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ABSTRACT

The status of drug policies, enforcement practices, and education and counseling programs at the University of Maryland College Park (UMCP) is reviewed, and recommendations for a model program are offered. Information gathered from other universities, from UMCP, and from a student survey at UMCP are summarized. An executive summary of the main recommendations of the Task Force on Drug Policies, Enforcement, and Education is presented, along with the findings and recommendations on the education and counseling programs at UMCP. Recommended changes in the UMCP "Code of Student Conduct" and other disciplinary policies are also outlined, along with proposed improvements in law enforcement on the campus and in cooperation between campus and other law enforcement agencies. Protocols for drug testing programs are included, along with a consent form for drug testing and release of information. Drugs that are proposed to be banned for student-athletes are listed. Extensive appendices cover: subcommittee objectives and members, people who testified before subcommittees and at open hearings, a student survey form, results of surveying other universities, advice of the Maryland Attorney General, and the current UMCP "Code of Student Conduct." (SW)

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MODEL UNIVERSITY PROGRAM FOR EDUCATION AND PREVENTION OF DRUG ABUSE

RECOMMENDATIONS OF THE TASK FORCE ON DRUG POLICIES, ENFORCEMENT, AND EDUCATION

University of Maryland College Park

December 1, 1986

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PREFACE

The abuse of drugs is a serious problem in the United States. It cuts across every regional and social boundary. Both private and public bodies are investing increased time and resources in the hope of reducing dramatically the debilitating, often deadly abuse of drugs by our citizens.

In late June, 1986, responding in part to the tragic death of basketball star Len Bias that heightened public awareness of the problem, Chancellor John B. Slaughter charged the Task Force on Drug Policies, Enforcement, and Education at the University of Maryland College Park "to review the existing status of drug policies, enforcement practices and education and counseling programs on the College Park Campus and provide recommendations for creating a model program." Chancellor Slaughter asked the Task Force to recommend policies and practices that would not only benefit the community at the University of Maryland College Park but might assist other colleges and universities faced with similar problems.

The Task Force began its work aware that drug abuse was not unique to the University of Maryland College Park but was in fact widespread in society as a whole and of growing concern to leaders and policymakers in a variety of forums. A recent article in The Washington Post reports that 58% of all persons

from 18 to 30 who live on the East Coast have used either cocaine or marijuana. On July 7, 1986, the University of Michigan's Institute for Social Research issued a report based on its national survey which found that cocaine use was common throughout many of our high schools and young adult communities and that use and abuse had reached high levels. The survey also suggested that cocaine was found to be available on or near most college campuses. Findings of the recent survey of UMCP students parallel very closely the results of the Michigan study and are summarized in Section 2 of the Introduction to this report.

Following the first meeting of the Task Force on July 3, the chair, Benjamin R. Civiletti, divided the Task Force into five working groups, each of which met numerous times over the next four months. (A list of subcommittee members and charges to the subcommittees are included in Appendix A.) One subcommittee provided essential information for the work of the others by conducting a thorough survey of problems and practices at comparable universities and by completing a thorough survey of UMCP students concerning drug use and attitudes on existing and potential educational and enforcement programs.

Each of the other subcommittees met with policymakers, program directors, service providers, and students from UMCP in order to understand current policies and practices and perceived needs. (A list of those who testified before the Subcommittees

appears in Appendix B to the report.) The entire Task Force met each month to discuss issues arising from subcommittee work. On September 12, following a full Task Force meeting, members of the Task Force toured the Campus, and on November 11 the Task Force held a day-long public hearing on the College Park Campus. (A list of those who testified appears in Appendix C.)

In the course of its deliberations and inquiries the Task Force came to several conclusions that underlie the individual recommendations in this report. First, drug use and abuse is disruptive to any community, but particularly to a community of people invested in the pursuit of specific educational goals. It is dangerous to the health and well-being of community members and largely untouched by current efforts to educate and to prevent use.

As a nation we have only begun to develop long-term programs to address the problems of drug abuse, and we have very little hard data to identify effective prevention and intervention strategies. These generalities are especially true for university communities where we discovered many newly developed efforts but no comprehensive, model programs.

If the University of Maryland College Park is going to try something other than a band-aid solution to the problem of drug abuse, it must use the results of these surveys to weight

carefully the attitude and the needs of the community and the potential effectiveness of new policies and programs.

Policies and programs adopted in an educational community must be firm and understandable. The short and long term health of the individual and the community as a whole must be the principal objectives. While it is important to have strict prohibitions in place and enforced, it is equally important that all members of the community understand and support the need for these standards. Students, faculty and staff must be fully informed of the injuries to the physical and mental health of the drug abuser and the personal and institutional consequences of the other penalties for such abuse.

It is obvious that any policy or program must be acceptably enforceable to have any expectation of success. If draconian penalties are proposed for offenses that are seen as relatively minor, i.e. unreasonably disproportionate, the integrity of the prohibitions and sanctions will be lost along with their effectiveness. If random drug testing is adopted for legitimate health protection reasons but then misused to intrude on the privacy of the innocent, little collective faith and cooperation in the system can be expected. The Task Force has sought to recommend a program that establishes the seriousness of drug abuse through prevention, avoidance, prohibition and penalties and to avoid recommending arbitrary sanctions without information

and assistance, which would be rejected by any thinking community. Thus the recommendations of this Task Force are set out with relevant rationales and seek whenever possible to build upon the existing strengths of current sound policies and programs.

Finally, the Task Force recognizes that at the University of Maryland College Park, as at other campuses across the country, the abuse of alcohol is the single biggest substance abuse circumstance facing the Campus. Because the use of alcohol is legal for students over the age of 21 and for all other members of the community, the Task Force did not recommend specific penalties for the legal use or possession of alcohol. However, the Task Force believes that social responsibility should be an important goal of education. Alcohol counseling and monitoring programs should be developed to discourage the distribution of alcohol to minors, particularly in the dormitories, and coupled with appropriate penalties for abuse. The abuse of alcohol leads to many disruptions within the Campus community, and the Task Force believes that programs addressing responsible drinking should be integral to drug and alcohol educational programs and that the Campus should develop many more alcohol-free recreational activities for its students.

The Task Force Report is organized into sections that parallel the work of the subcommittees. Subcommittee Charges and

Membership appear in Appendix A. The Introduction summarizes the information gathered from other universities, from the University of Maryland College Park [UMCP], and from a student survey at UMCP. An Executive Summary of the principal recommendations of the Task Force follows the Introduction. Following the Summary, Part 1 of the report presents findings and recommendations on the education and counseling programs at UMCP. Part 2 outlines recommended changes in the UMCP Code of Student Conduct and other disciplinary policies. Part 3 presents a revised drug testing program. Finally, Part 4 proposes improvements in law enforcement on the Campus and in cooperation between Campus and other law enforcement agencies.

Each of these chapters is interrelated and builds on recommendations in others. The Report concludes with a presentation of the Task Force's comprehensive program with all relevant supporting documentation. The Task Force has made recommendations in four major areas with the understanding that each area is essential to an effective program and that the implementation of recommendations in a single area alone will not succeed in addressing a real and serious problem for the University of Maryland College Park. The Task Force believes that the University of Maryland College Park has the commitment and ability to address this problem successfully. The Task Force strongly recommends that College Park share these recommendations

with other campuses of the University so that the University can work together to institute a comprehensive program.

The Task Force greatly appreciates the cooperation of many members of the Campus community in its work. A complete list of those who testified before the Task Force and its subcommittees is attached in Appendices B and C. Many of these people provided extensive written testimony as well. The Task Force is particularly grateful to Marilyn Brown, Director of the Office of Institutional Studies, for her assistance in soliciting and compiling information from other universities; Sue Dowden of the Survey Research Center for help in designing and conducting the student survey; and members of the Attorney General's staff for opinions on legal questions surrounding various issues.

INTRODUCTION

Section I - Survey of Other Universities; Findings from College Park

The Task Force attempted to answer two critical questions before making its final recommendations:

1. How are universities both nationally and locally dealing with drug policies, enforcement, and education and how do their efforts compare to those at the University of Maryland College Park?
2. What is the extent of the drug problem among UMCP students and what concerns and needs do students have in the area of drug policies, enforcement, and education?

In order to answer the first questions the Task Force talked to recognized experts in the field to determine if such information already existed or if it were currently being collected by any other agency or organization. The Task Force contacted the American Council on Education, National Institute of Drug Abuse, Department of Education, National Collegiate Athletic Association, Alcohol and Drug Problems Association, White House Office of Drug Policy, Dr. David Anderson, and Dr. Gerald Bachman. Being convinced the information was not available, the Task Force undertook a survey of 45 universities using a questionnaire developed with the assistance of the UMCP Office of Institutional Studies. This questionnaire was

distributed to representatives of forty-five campuses. Forty campuses responded. These responses are summarized in Part I of this chapter, which also includes similar information from the University of Maryland College Park collected by the Task Force subcommittees. (Appendix E of this Report contains a list of the universities surveyed and the questions and responses of the individual institutions.)

To answer the second question, the Task Force, drawing upon survey instruments developed at the University of Michigan in conjunction with a long-term study of drug use among high school and college-age youth, developed a draft questionnaire for University of Maryland College Park students to assess their perceptions of, attitudes toward, and use of various types of controlled substances. This instrument was further refined through discussions with the staff of the Survey Research Center and upon review by various members of the Task Force. During the first week of October the survey (Appendix D) was administered to approximately 1,500 undergraduate students at UMCP. The results of this survey are summarized in Section 2 of the Introduction.

A detailed summary of the responses to each of the 25 questions in the national survey sent to comparable universities and colleges is contained in Appendix E of this report. In addition to these summaries, the responses from the universities occasionally included more detailed information on various

policies, procedures and practices. In order to understand any particular university's total approach to drugs on campus the reader should read through the responses to each question. Each university responding to the survey was given the same identification number throughout the questions so that, for example, if one wanted to know the total responses of university 31, the responses labelled number 31 to each question provide that information.

In this section, we will discuss our general findings from the review of these detailed responses, discuss specifically the responses to questions that directly impinge upon the activities of the Task Force, and compare these findings with the corresponding circumstances at the University of Maryland College Park.

Two major findings emerge from the analysis of the data collected from comparable universities. First, no single university responding to the survey has a comprehensive substance abuse program that has been proven to be effective. Second, and related to this general finding, is our observation that the vast majority of universities responding to this survey have not given substantial attention to the issue of controlled substances other than alcohol on their campuses and are only now beginning to consider this very important issue. It is critical in assessing the policies, practices, and procedures we recommend for UMCP to

understand that it, like all other comparable universities, is moving into an area in which there are no agreed-upon effective models.

Policies: National

We asked in our national survey for each of the universities contacted to describe their campus policies on student conduct in relation to the use of controlled substances. Overwhelmingly the universities report that their codes of conduct prohibit the use of illegal substances as well as their possession, sale, or distribution. In almost all cases the universities report that the penalties for violations vary by the nature of the act and the actor.

In general the sections of the codes of conduct addressing controlled dangerous substances were not presented in great detail, nor was there any indication that the codes went beyond the existing state laws. In a few instances the policies appear to be fully developed (e.g., #17) with careful attention to the specification of the basis of the policy, the types of controlled substances that were included, the range of penalties that would be associated with each.

Policies: UMCP

Under Maryland law, it is illegal for University of Maryland College Park faculty, staff and students to possess or distribute certain classes of controlled dangerous substances. It is also illegal to be in possession of certain drug paraphernalia Art. 27 Sec. 276 et seq. These laws are implemented by the provision that makes all students at College Park Campus subject to the Code of Student Conduct which incorporates these illegal acts in its restrictions.

Policy Enforcement: National

When asked how these policies were enforced in residential areas and elsewhere on campus, the responses at other institutions were very similar. The enforcement of policies in residential areas was almost exclusively by resident life staff or representatives of the Dean of Students. The mechanism ordinarily involved some form of referral by resident assistants, with potential referral to a student judicial board or committee. Only rarely was there any indication that enforcement in residential areas initially involved university police or other law enforcement agencies.

At the majority of universities responding, even when law enforcement personnel are routinely involved in drug enforcement,

the primary emphasis was placed upon enforcement by residential personnel. Special provision for enforcement by directors of Greek affairs, Inter-fraternity councils, Vice Chancellors for Student Affairs, various campus committees, etc. was also noted.

Policy Enforcement: UMCP

The University of Maryland Office of Resident Life, in its contract with students residing in housing supplied by the University, defines those behaviors that are prohibited in and around Campus residence halls. These restrictions include the sale, distribution or possession of any illegal drug and the possession or distribution of alcohol by or to a minor.

On the College Park Campus, it is apparent that enforcement by resident assistants (which would also serve an educational function) is more dependent on the individual resident assistant (R.A.) than a systematic policy. The R.A. has the problem of being the same age as the students in the dorm and having to live with the students as well as being a Resident Assistant. Some R.A.s appear willing to confront situations. Others avoid confrontation as long as the abusers do not obviously violate the rights of other residents. The Campus police, who are responsible for enforcement of State law on Campus, do not routinely patrol the dormitories.

Disciplinary Procedures: National

A major section of the questionnaire addressed the issue of campus disciplinary policies and procedures. We were especially interested in the nature of campus disciplinary policies and procedures, the location of the responsibility for enforcing these policies, and the impact that policies and procedures have on controlled dangerous substance use. Again, in this area we found considerable variation in the responses.

The overwhelming response with regards to the disciplinary policies and procedures could be characterized as individualized justice within general guidelines. That is, the policies provide that the type of sanction of the behavior would be based upon the seriousness of the act and the extent to which the accused had engaged in similar behavior on other occasions. There was little specification of the criteria to be used in making these judgments, although it was clear that the sale or distribution of controlled substances would ordinarily be treated more harshly than possession or use. There was some suggestion that the type of drug might affect the nature of the disciplinary procedure. It was also noted that on some campuses the disciplinary procedure may vary with the unit responsible for enforcing the policy. In other words, on those campuses reporting a variety of sources of discipline enforcement, the procedures may vary with

regards to resident halls, fraternities, sororities, judicial boards, etc.

In order to address the issue of sanctions ordinarily imposed, we asked campuses to report what a typical or standard penalty might be in the instance of a student who was found to have possessed marijuana, possessed some other prohibited drug, or distributed some prohibited drug on campus. While most respondents indicated variation in the likely penalty that would be attached to each of these activities, the most frequent response was that the penalty would depend on a careful review of the entire circumstances of the case. The sanction would depend on the previous record, the nature of the drug, the degree of culpability, etc.

In one instance, respondent #30 indicated that there are no penalties associated with use or possession of controlled substances per se. However, illegal activities performed while under the influence of a controlled substance merit severe penalties.

The one exception to this is a tendency for some campuses to mandate expulsion if the offense is drug distribution. We asked campuses to provide some information on the extent of actions taken under these various classes of behavior during the last academic year. The number of cases reported was quite small. In

no instance did the number of drug cases processed on a campus exceed 50, and many reported no cases at all.

We asked if the penalties attached to various violations of policies regarding controlled dangerous substances would vary depending upon the location of the offense. The only variation reported was that associated with dorms versus other parts of campus. Many schools reported that offenses in dorms could result in expulsion from dorms but not from school. When we asked if campuses would distinguish between penalties for the distribution of different types of drugs or if the outcome might be affected if the distribution were for-profit, the responses were either that those issues had not been specifically addressed or that there would be no distinction for those types of offenses. Some indicated that any distribution of drugs for a profit would result in automatic expulsion or that some form of severe sanction would be likely. However, it is clear that these policies were not explicitly stated but rather reflected the general observation noted earlier that responses would vary by the overall seriousness of the offense.

When we asked if campuses assumed any jurisdiction for off-campus behavior of students with regards to drug use, the overwhelming response was "No." Although there were some exceptions to this (for example, if the incident carried over from the campus, or if the event was university-sponsored),

generally the campus did not assume jurisdiction for off-campus behavior.

Disciplinary Procedures: UMCP

At UMCP the standard penalty given by the Judicial Review Board for any offense involving the sale of a controlled dangerous substance is expulsion. The standard penalty for possession of a controlled dangerous substance normally entails a period of probation coupled with a community service assignment and referral to the Health Center for counseling. A stricter penalty, including suspension, might be imposed depending upon the circumstances. Between 1983 and 1986 the following number of cases involving prohibited drug/alcohol use or sale came before the Judicial Review Board: 50 for alcohol; one for cocaine; two for LSD; 23 for marijuana; one for amphetamines. These cases resulted in two expulsions, six suspensions, one found innocent, and the remainder with penalties of probation or a similar sanction. The possession and/or sale of controlled dangerous substances are grounds for expulsion from the residence halls, as well.

Enforcement: National

Since many of the activities that we addressed in this survey are violations of criminal law, we asked if a student is

arrested for a crime on campus if the campus disciplinary action is normally deferred until after criminal proceedings. While the majority of respondents indicated that such deferral would not occur, a substantial number of campuses indicated it would, particularly if the student requested it. In most responses it appeared that this issue had been addressed in the specific policies and procedures of the campus. Those responding that they would not defer action indicated that they treat their disciplinary actions as separate from those that might be taken by the legal system. Those who said they did defer action argued that the criminal proceedings should take precedence and those results should be used by the campus.

Finally, in the area of enforcement we asked about the role of the campus and local law enforcement. Overwhelmingly the responses indicated that the police at these comparable campuses were not involved in enforcement in residential areas but were given primary responsibility for enforcement in nonresidential areas.

Overwhelmingly, the campuses reported that there was close coordination between the campus police and other criminal justice agencies with the campus police having the lead role in any activities on campus. None of the respondents indicated that there were particular problems in these relations, and very few reported that there was any development of undercover or other

more proactive strategies on campus. While there is cooperation reported between law enforcement agencies and campus police, no one indicated that the campus police played any substantial role in the efforts to work with off-campus police in identifying off-campus sources of drugs, etc.

Enforcement: UMCP

Enforcement of prohibitions primarily rests with the Campus Police Department at the University of Maryland College Park. The University of Maryland College Park Campus Police Department is an independent police agency created by State law, Education Article Section 13-107, Annotated Code of Maryland. The State law provides that a University of Maryland police officer has all the powers of a "peace and police officer in this State." These powers may be exercised on property that is "owned, leased, operated by, or under the control of the University of Maryland." Under very limited circumstances the statute permits the campus police officer to exercise police powers on other property. Those circumstances would include when the officer is 1) engaged in fresh pursuit of a suspect offender or 2) is requested to do so by the chief police officer of a county or 3) when it is necessary in order to facilitate the orderly flow of traffic to and from property under the control of the University of Maryland, or 4) in the unusual circumstance when he/she is ordered to do so by the Governor of the State.

State law provides University police officers with exclusive criminal jurisdiction on the College Park Campus for all crimes. Other agreements between the Campus police and Prince Georges County police govern enforcement activity in the City of College Park where major fraternity and sorority houses are located. Members of the campus community have access to the emergency 911 number for the county and the county generally contacts both its police force and the Campus police force. Working relationships have been established with a variety of law enforcement agencies including the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Maryland State Police. The Campus police force has cooperated with federal and state authorities on major drug cases involving students and non-students who use the College Park Campus as a distribution site.

The University of Maryland contends that compared to other public colleges and universities there appears to be strong enforcement of the Maryland drug laws on campus. As evidence of this the following Maryland Uniform Crime Report arrest statistics for illegal drugs are offered:

1981 - 10

1982 - 23

1983 - 18

1984 - 8

1985 - 19

Counseling and Education: National

The next major section of the national survey considered campus programs in the area of counseling and education directed toward drug use and abuse. We first addressed the question of what counseling services are provided on campus for students in the alcohol and drug area and asked various details about the organization and funding of these efforts. We note that all campuses report having some form of counseling open to students with drug use or abuse problems. Most of these were located within health centers or counseling centers.

When we asked if any training programs were offered on campus concerning the recognition of and response to drug abuse, most campuses indicated that they had such programs particularly for those working in the area of student affairs and resident life. There does not appear to be a substantial involvement of other staff or faculty although some did note that, particularly campus police, clergy, health center personnel, etc. would be included in substance abuse training.

The campuses responding to the national survey reported limited use of counseling and education services by students and also reported a very small number of staff and low levels of funding for this activity. Almost all campuses report students do not come to on-campus drug counseling centers in large

numbers. They feel that they have sufficient resources for the number of students who are coming forward but recognize that they are not reaching all those who could use assistance.

The national survey uncovered no specific counseling programs that were reported as being successful or any particular efforts noted for counseling outreach. In the education/prevention area most campuses noted some general education prevention programs; funding was modest in these areas and frequently focused on alcohol education as opposed to drug education or prevention. The activities in these areas were frequently focused on the residence areas or in the fraternities/sororities but these seemed to be general prevention/education efforts rather than specific programs. When there were full-time alcohol educators (35 and 31), programs appeared to be better developed. Peer programs have also developed (schools #26 and 32) that show signs of promise.

There are some efforts nationally to which we should give further attention. We note particularly universities 14 and 17. University 14 describes a week long impact training program that was conducted for a number of their students and staff that has had a direct effect on the orientation for new students. This campus plans to develop further comprehensive education/prevention efforts. University number 17 also reports that this year a comprehensive educational, treatment and

prevention program will go into effect as a result of their study of this problem during the past three years. This involves targeting groups of students for special information programs, provision of information on clinical effects of drugs and legal liabilities, party planning, information for faculty and staff, development of education materials, etc.. This appears to be the most comprehensive effort currently available for further review.

Education and Counseling: UMCP

Counseling programs for persons seeking help for all forms of substance abuse are available at the University of Maryland College Park either through the Counseling Center or the Health Center. They are not heavily used by the Campus community. This is especially true for substance abuse programs other than alcohol abuse.

As distinct from counseling programs to meet the needs of persons seeking help, there are relatively few systematic drug educational and prevention programs on Campus. The Health Center has a modest drug education program that depends largely on hourly student labor.

On the College Park Campus, very few students seek help for substance abuse other than alcohol abuse. Interviews with members of the Counseling Center, Health Center, and Clergy

indicate that fewer than 150 students a year seek help for substance abuse (again other than alcohol). Many of the few students who are treated for substance abuse were seeking help for other problems. There is a larger number of students (estimated at 3 to 4 times the number of students seeking help for other substance abuse) who either seek help or are referred for alcohol abuse. In some cases, students are required to seek help for alcohol abuse because of driving while intoxicated incidents or problems relating to destruction of property or fighting.

Conversations with students and drug use experts at UMCP suggest several possible reasons for the low rate of usage of campus drug-related services. Students often do not perceive that they have a problem. Additionally, students are concerned about the legal implications of admitting to substance abuse, and even when they realize they need help for substance abuse are likely to seek services from either private sources or from other off-campus public sources.

Policies for Student-Athletes: National

The next section of our questionnaire addressed the issue of campus athletes. We asked if there were specific policies that applied only to intercollegiate athletics, and if there were any special disciplinary, enforcement, or education/prevention

activities for athletes. While some campuses indicated that there were no special policies or programs, the majority indicated they had or were developing special efforts for student athletes. This ranged from drug testing (usually non-random urinalysis) to special provisions for withdrawal of support, scholarships, etc. for violation of codes of conduct. Most did not indicate that they had special disciplinary policies of student athletes.

Where there is drug testing at other institutions, there has been more attention to the issue of the relationship between controlled dangerous substance use and disciplinary activities. Generally the policy is that after the first positive test the athlete and medical personnel are the only ones informed. After that there is some variation. For example, university 6 reports that if there is a second positive test, the athletic director is informed and the athlete must telephone his/her parents and is required to undergo counseling. It is not until the third positive test that the coach is informed. At that point the athlete is suspended from the team until completion of the required rehabilitation. On a fourth positive test the athlete is permanently suspended from the team. There is no indication as to any referral of the athlete even at the point of a fourth positive test to judicial disciplinary proceedings on campus. Similarly University 7 indicates that urinalysis is directed toward counseling and rehabilitation with no one being informed

of the test results. Responses number 21 and 22 indicate similar policies although less detailed. The single variation from this is the response of university 30 where the team physician on the second positive test informs the head coach and the parents, and the athlete is suspended from the team for at least one athletic contest.

Policies for Student-Athletes: UMCP

Some educational programs for athletes have been offered at University of Maryland College Park in the past. Several years ago, one program was offered by the Drug Enforcement Agency at the request of the athletic department. In Spring 1984, the Health Education Department and the Athletic Department met to discuss the development of a systematic program. As a result, a workshop was offered for coaches on the problems of drug abuse in April 1984. In 1984-85, a workshop was offered for each of the athletic teams. In 1985-6, the programs were repeated for freshman and transfer students who had not attended the program the previous year.

Maryland's student-athletes are subject to a mandatory drug screening program (recently revised and made stricter), and attendance at a drug education program provided by the University Health Center. A student-athlete must enter a mandatory counseling program after a first positive. With a second

positive, the coach is notified, and a third positive results in suspension from participation in intercollegiate athletics.

Faculty and Staff: National and UMCP

We also addressed the issue of programs for faculty and staff. It is clear that employment assistance programs have been developed in the area of alcohol but that drugs have not been given special attention. There appear to be very few general policies that apply only to faculty and staff. The overwhelming response to these questions was that they were guided by state law. There appears to be no specific mechanisms for enforcing policies for faculty and staff. Most programs that were noted are on a voluntary basis with the employee initiating involvement. Policies and programs at UMCP are consistent with these practices.

Evaluation

We asked each campus to provide us with any information that it had demonstrating the effectiveness of its policies on reducing controlled dangerous substance use. In almost all cases the report was that there were no data available, or if there were data they were primarily testimonial. While some campuses are now collecting this information, there does not appear to be a systematic effort on any campus to provide the kind of

evaluation of policy effect needed to test, refine, and improve existing policies.

SECTION 2 - STUDENT SURVEY RESULTS

Between September 30 and October 3, 1986 the Survey Research Center of the University of Maryland College Park conducted a survey of 1518 randomly selected undergraduates on the Campus. The sample was chosen by first selecting random sections of undergraduate classes being offered during the Fall semester of 1986 and then contacting the faculty in each of these sections to gain their permission to administer the questionnaire during a regularly scheduled class period. Questionnaires were then administered to all those attending class. Most faculty cooperated fully with the survey and by all measures the students who were asked to complete the survey did so in a conscientious and thoughtful way. The survey staff report that there was considerable interest in the survey and that the responses to the open-ended questions indicate that the respondents did, in fact, understand and carefully consider each of the questions.

The results presented in this section represent only a preliminary analysis of these data. The Campus may, after further analysis, find that the conclusions the Task Force has drawn from the preliminary analysis may need to be modified. These data can be extremely valuable in developing policies and programs for the campus. The Task Force strongly recommends that

these data be fully analyzed and summarized in a report to the Campus.

In the survey a series of questions addressed the degree to which students were aware of and understood the policies concerning controlled substance use on campus. In response to a general question asking them to indicate how familiar they were with campus policies on drug usage 48% indicated that they were not very familiar, 43% indicated that they were somewhat familiar, and only 8.7% felt that they were very familiar with these policies. This general response and other data from the survey suggest that students do not have a good understanding of current policies and practices. This is further reflected in Table 1.

We asked the sample to describe what they considered the penalties under the Code of Student Conduct to be for various violations. In considering Table 1 we note that a substantial percentage of students indicate that they do not know what the policies are. For example, 34% of the respondents indicated that they do not know what the penalty would be for possession of marijuana or hashish; 31% indicated they did not know the penalty for the possession of cocaine; and 37% indicated they did know the penalties that applied for providing alcohol to someone under the age of 21. Even when respondents indicated they knew what a penalty might be, they often gave multiple answers to this

question. As one can see from a perusal of Table 1, a clear consensus did not emerge even among those who felt they understood the appropriate penalties would be.

Finally, in considering Table 1 we note the very high percentage of respondents who believe that expulsion is the penalty for various violations. Eighty-three percent indicate that expulsion would be the penalty for sale or distribution of prohibited drugs, and 55% feel expulsion would be the penalty for possession of cocaine and other prohibited drugs. This suggests students already assume that the penalties for these violations of the Code are quite severe.

Similarly the understanding of the campus policy with regards to referral to local law enforcement agencies demonstrates the lack of a clear understanding on the part of students. We asked students what they felt would happen if Resident Life (Table 2) or other university authorities (Table 3) found someone was in violation of one of the components of the student conduct concerning controlled substances. A preponderance of the students in both instances indicated that they "don't know" what would happen. Among those who think they know what would happen, most assume that those accused of what would be perceived as more serious offenses would be referred to the police. Students' understanding of policies, penalties, and

procedures on Campus appears to be quite confused. There is a considerable lack of student awareness in this area.

The survey also asked students to indicate to what extent they were aware of and had utilized drug counseling services on-campus or off-campus and whether they had received any form of drug education since coming to UMCP. When asked if they had heard about the drug counseling services on Campus, approximately 57% of the students indicated that they heard of the services of the Counseling Center, 70% had heard of the services at the Health Center, 36% of any self-help groups on campus, and 17% of any police sponsored groups. A very small percentage of students indicated that they had used these services which is consistent with other findings in this report. Only 2% of students indicated that they had used any drug counseling services off-campus and 18% indicated that they had received any kind of drug education since coming to UMCP. While awareness of the services on Campus appears to be relatively high, utilization is quite low. A substantial portion of the students are not receiving drug education while at UMCP.

The vast majority of respondents indicated that they disapprove of controlled dangerous substance use. When asked, "How do you personally feel about drug usage excluding alcoholic beverages?", 68% indicated that drugs were not okay to use anytime while only 2% indicated that drugs were "okay to use

anytime." Approximately 30% indicated that there were times when drug use would be okay. Similarly when we asked students how they felt about people using drugs on Campus, 29% indicated that they did not care, 63% disapproved or strongly disapproved, and only 5.7% indicated they approved or strongly approved of such behavior. When asked how students thought University administrators felt about students using drugs except alcohol on campus, 86% of the students indicated they felt that administrators disapproved or strongly disapproved.

We asked students who indicated that they did not use any controlled dangerous substances to describe their main reason for not using drugs. Forty-two percent indicated that they did not use them because it was against their beliefs, 33% indicated that they were motivated by concern for their health and 7% indicated it was against the law. The finding that not being involved in substance use is related to one's personal beliefs or concern for health is consistent with other research and indicates areas in which preventive efforts might be focused.

We also asked the sample that had ever used a controlled dangerous substance when they had their first experience with it. Of those who indicated they had used a controlled dangerous substance, 82% indicated they had begun use in high school or earlier and 18% indicate they had begun their use since enrolling in college. Primary prevention is most needed prior to a

student's university experience. Secondary prevention is much more appropriate in a university setting.

A number of questions in the survey addressed student drug use. First, we asked students to indicate whether they had used any of a number of controlled dangerous substances during the past 12 months. Table 4 contains the data from their responses to that question. Also in Table 4 we present data from the most recent national survey of college students conducted by the University of Michigan. It should be noted in reviewing these materials that the national sample is drawn from a sample of all colleges and universities. It is usually the case that usage is higher in urban areas than in rural areas and in the northeastern section of the country. We were not able to obtain a sample of data for large, urban universities that would be comparable to UMCP. Still in reviewing these data it is clear that the situation at UMCP is similar to that for colleges throughout the United States.

We note for example, that while 40.6% of UMCP respondents indicated they have used marijuana at least once during the last 12 months, 41.7% of the national college students indicate such behavior. With regards to cocaine, 20.1% of UMCP students and 17.3% of the national college sample indicate use within the last year. For all other controlled dangerous substances 26.2% of the UMCP students and 22.9% of the national college sample indicate

use during the last year. In the area of alcohol 92.5% of the UMCP students and 92% of the national college sample indicate using alcohol at least once during the last year.

Thus in terms of an overall measure of the prevalence of drug use, the students at College Park appear to be using drugs at about the same level as the average for all other universities and colleges. Also since college students use drugs at about the same level as non-college students of the same age, we can conclude that UMCP students are also similar to their age group.

These data of course do not address the issue of drug abuse. They only indicate the degree to which there is usage. Defining drug abuse is a much more difficult task, and in our data we do not have a solid measure of drug abuse. If, however, we consider the use of any particular substance at a rate equal to at least once a week as an indicator of abuse we would suggest the following levels of abuse: 6.6% of the UMCP students would indicate marijuana or hashish use on a weekly basis, less than 1% would indicate a level of use comparable to once a week for cocaine, and about 40% would indicate the use of alcoholic beverages at a rate comparable to once a week. Alcohol use and abuse is by far the more prevalent form of behavior on the Campus as it is on all campuses and throughout American society. Drug abuse, defined in the way indicated above, does not appear to be a major problem among our students.

However, when students were asked what proportion of UMCP students they thought had used various drugs more than once during the last 12 months the perceptions of our respondents are quite different from the reality we have just described. Students think that 56.5% of students have used marijuana or hashish, 35.7% have used cocaine, 16.8% have used PCP, and 12.1% have used heroin. All of these are considerably higher than actual self-reports and indicate that there is a perception of much greater drug use on campus than is actually the case.

In part this may come from the fact that many students report that they have observed drug use on Campus. Forty-nine percent indicated that they had personally seen drug use on campus. When we asked what category of individuals they had observed using drugs on Campus, 98% said they had observed students using the drugs. Approximately 70% indicated that they had observed drug use in dormitories and 8.5% at football games. When we asked what drug use they observed, 49% indicated marijuana and that the occasion for usage was a party. Thus the actual observance of drug use on Campus by our students is overwhelmingly of instances of students in dormitories using marijuana in a social setting. For those who did observe an instance of drug use on Campus we asked if they had reported this to any campus authority -- 98% indicated that they had not.

Finally in our survey we asked students to comment on a number of the ways that had been discussed for controlling drug use on campus. Table 5 presents the data in response to these questions. We were particularly interested in the issue of drug testing and students' attitude towards it, and their attitudes toward specific strategies that could be used to control drugs. The data in Table 5 indicate that 62% of students support or strongly support drug testing for athletes and 65% support drug testing for campus police. Fifty-two percent support drug testing for administrators and 55% support drug testing for coaches. Forty-five percent support drug testing for faculty. While there is a majority support in some areas for drug testing, substantial minorities of students indicate an opposition to drug testing in all categories. Not surprisingly only 29% of students support drug testing for all students.

Fifty-four percent of students support or strongly support undercover investigations on Campus, but only 36% support random police patrols of dormitory halls. Clearly this finding may differ for dormitory residents. Forty-seven percent of students support mandatory expulsion, 88% support more counseling, 87% support more prevention services and 87% support increasing student awareness of UMCP policies. From a student perspective the best approach to controlling drug use on campus is through increased awareness, counseling, and prevention.

TABLE 1

What do you understand the penalties in the Code of Student Conduct to be for: (Totals Add to More than 100% due to Multiple Answers)

VIOLATION	PROBATION	RESTRICTED ACCESS (FROM DORMS,ETC.)	SUSPENSION	EXPULSION	DON'T KNOW
a. Possession of marijuana or hashish	37.1%	17.6%	38.0%	20.2%	34.2%
b. Possession of cocaine and other prohibited drugs	9.0	9.7	37.1	55.5	31.1
c. Sale or distribution of prohibited drugs	4.0	5.7	16.2	83.5	7.3
d. Providing alcohol to someone under 21	51.6	17.2	28.6	11.5	37.4

TABLE 2

As far as you know, when resident life authorities find out about any violators of drugs (excluding alcohol), and controlled substances in the dorms, do they refer all violators, some violators, or no violators to local law enforcement authorities?

	RESPONSE			
VIOLATION	REFER ALL VIOLATORS	REFER SOME VIOLATORS	REFER NO VIOLATORS	DON'T KNOW
a. For drug possession and use	10.8%	33.3%	10.4%	45.4%
b. For drug selling or distribution	29.4	20.1	3.3	47.2
c. For repeat violation or drug possession or use	31.2	17.3	3.9	47.7

TABLE 3

As far as you know, when university authorities find out about any violators (excluding alcohol) of controlled substance policies anywhere on campus do they refer all violators, some violators, or no violators to local law enforcement authorities?

	RESPONSE			
VIOLATION	REFER ALL VIOLATORS	REFER SOME VIOLATORS	REFER NO VIOLATORS	DON'T KNOW
a. For drug possession and use	23.6%	26.6%	3.7%	46.1%
b. For drug selling or distribution	38.6	15.2	1.2	44.9
c. For repeat violation or drug possession or use	39.2	13.4	1.4	45.9

TABLE 4

PERCENT REPORTING USE DURING PAST 12 MONTHS

SUBSTANCE	NATIONAL SAMPLE OF COLLEGE STUDENTS	UMCP SAMPLE
Alcohol	92.0%	92.5%
Marijuana	41.7	40.6
Cocaine	17.3	20.1
Other Controlled	22.9	26.2

TABLE 5

How do you feel about the following ways of controlling drug use on campus?

WAYS TO CONTROL	RESPONSE: STRONGLY OPPOSE	OPPOSE	SUPPORT	STRONGLY SUPPORT	NO OPINION
Drug Testing for:					
a. All athletes	13.6%	17.3%	32.4%	30.1%	6.7%
b. All students	36.9	26.6	17.1	11.7	7.7
c. All faculty	21.2	25.7	23.4	21.5	8.1
d. Campus police	12.8	14.7	28.5	36.8	7.1
e. Administrators	16.4	21.9	23.6	28.9	9.2
f. Coaches	15.5	19.9	27.3	27.5	9.7
How do you feel about:					
g. Undercover investigation on campus	15.7%	20.6%	32.6%	22.8%	8.3%
h. Mandatory expulsion	14.5	29.3	26.0	21.0	9.2
i. More counseling	2.4	2.4	40.4	47.9	6.8
j. More prevention services	2.0	2.6	42.9	44.5	8.1
k. Increasing student awareness of UMCP policies	2.2	3.3	45.2	42.1	7.3
l. Random Police patrols of dormitory halls	30.8	25.4	19.4	17.1	7.3

EXECUTIVE SUMMARY

The Task Force on Drug Policies, Enforcement and Education at the University of Maryland College Park, having reviewed policies and programs at College Park and at other campuses throughout the nation, concluded that only a comprehensive, well-integrated approach to the problem of drug abuse will have the potential for reducing or eradicating drug abuse at the University of Maryland College Park. It is clear that no single change or reform in one area of university life will produce a reasonable probability of progress. Thus a Code of Student Conduct with stronger, more explicit sanctions, while important, will have insufficient impact alone. Increased drug education and counseling, also critical to the effort, are not sufficient by themselves. Enhanced law enforcement too without education and other reforms is not enough.

The recommendations that together comprise the comprehensive program developed by this Task Force are closely interrelated. The Task Force believes that they should be adopted together for the best chance of success. The Task Force recommends that the University of Maryland College Park adopt the four-part program in principle and provide appropriate reviews of the details as outlined in the Conclusion through campus mechanisms. It is obvious that the entire program cannot be done at once, but it can be implemented over time as facilities, personnel, and other

necessary resources become available. It seems reasonable to anticipate that a two year implementation period will be needed for a program of this scope.

Summarized below are the major recommendations in each of four areas: (1) Education and Counseling; (2) Disciplinary Policies; (3) Drug Testing; (4) Law Enforcement Coordination and Cooperation.

1. Education and Counseling

A. The University of Maryland College Park should provide a systematic drug education and prevention program, designed to reach all segments of the Campus community and well developed and staffed by professionals in the field.

B. The University of Maryland College Park should establish a Center for Drug Abuse Education, Abuse Prevention, and Research in order to achieve a well-integrated, centralized program. The Center would provide for a Campus as well as a national focal point for drug education, training, and prevention and allow for current research on effective programs for pre-college as well as college students. Once established, the Center could provide assistance to

primary and secondary school programs for drug abuse prevention. The Center would provide a forum for continuous up-to-date training in programs and services. The Center would also be the focal point for a comprehensive and ongoing needs assessment of the Campus population.

C. The University of Maryland College Park should develop a systematic plan for drug counseling and substantially increase the resources devoted to this service. Drug counseling should be absolutely confidential and have sufficient professional staff to meet the Campus community's needs. Treatment connected with counseling should be unrelated to and inadmissible as grounds for disciplinary proceedings. Prompt counseling should be encouraged throughout the community life.

2. Disciplinary Policies

A. The University of Maryland College Park should expand its Code of Student Conduct to specify clearly the penalties for the use, sale, and/or possession of illicit substances.

B. The simple possession and/or use of any controlled dangerous substance, as defined by Maryland law, on

Campus or at a University sponsored or sanctioned activity, would result after a due process hearing in either suspension or probation at the University for at least one semester. The student's file would reflect the suspension or probation. Mandatory counseling and discriminate drug testing would be required in the event of probation for the probationary period. In the event of suspension, the student's file would reflect the incomplete status for courses not finished during the semester in which the suspension occurred. The determination as to whether the student receives suspension or probation shall depend upon, but not be limited to, the following factors: age, academic standing at the University, prior criminal convictions or not, other infractions of the Code of Student Conduct or not, extracurricular contributions to the University, and the nature and quantity of the substance possessed or used.

The student shall have the right to seek in his/her senior year expungement of the violation from his/her file by appeal to the Office of Judicial Programs upon successfully completing the obligations of probation or upon readmission to the University.

C. The first offense of selling and/or distributing any proscribed substance on Campus or at a University sponsored activity and the second offense for use/possession, after a due process hearing, would result in expulsion from the University.

3. Drug Testing

A. The University of Maryland College Park should have a random drug testing program, with consent a condition of participation in the activity, for students participating in those Intercollegiate Athletic sports and in any other University-sponsored activities that pose health hazards and expose participants to significant pressure to use and abuse drugs. The results of these random tests are to be confidential between physician and patient and not admissible as evidence in disciplinary proceedings.

B. The University of Maryland College Park should institute a judicially-discriminate drug testing program for all members of the community in cases where there is reasonable cause to believe that a person is using controlled dangerous substances. This program would require independent approval from the appropriate

Campus authority before an individual is asked to submit to drug testing. Positive results from these tests or refusal to be tested represent grounds for disciplinary action.

C. Any student found guilty of using or possessing any controlled dangerous substance should, as a condition of remaining in the university on probation, be enrolled in a judicially-discriminate drug testing program for continued testing with the understanding that a positive drug test in the testing program may result, after a due process hearing, in expulsion from the University.

4. Law Enforcement Coordination and Cooperation

A. The University of Maryland College Park should enlarge the staff of its police department for more effectiveness throughout the Campus and particularly in residential areas of the Campus.

B. The University of Maryland College Park should strengthen the enforcement of its drug policies in the residential community by increasing educational programs and improving the cooperation between police and resident advisors.

C. The University of Maryland College Park should expand its enforcement practices to include a confidential drug tip hotline, the appropriate use of anonymous surveillance personnel, and the publication of statistics regarding probation/suspension and expulsion in drug-related cases.

Each of these recommendations is spelled out in greater detail in the numbered parts of the report. The Task Force explains the basis for each proposal and also offers additional recommendations and procedures that support the major proposals outlined above. The Conclusion of this report contains a detailed outline of the entire program recommended by the Task Force. Since the University of Maryland College Park wishes to address seriously and effectively the issue of substance abuse, the Task Force strongly recommends the adoption of this comprehensive program with appropriate University community review and timely implementation.

PART 1
Education and Counseling

RECOMMENDATIONS

A. The University of Maryland College Park should provide a systematic drug education and prevention program, designed to reach all segments of the Campus community and well developed and staffed by professionals in the field.

1. Entailed in this recommendation is a detailed assessment of the drug education and prevention services necessary to reach faculty, staff, and students.

2. The program will require the cooperation of faculty in Health Education, Psychology, and related departments, the Health Center, and the Counseling Center; it should be coordinated through the newly established Center for Drug Abuse Education, Abuse Prevention and Research (Recommendation 1B).

3. The program should be designed to reach all segments of the student population, including commuters.

4. As a part of this program, a drug education unit should be incorporated into the orientation program for all students, both freshmen and transfer.

5. The program should have a component that widely disseminates information about Campus drug policies and services.

6. The program should focus on alcohol as well as other substance abuse.

B. The University of Maryland College Park should establish a Center for Drug Abuse Education, Abuse Prevention, and Research in order to achieve a well-integrated, centralized program. The Center would provide for a campus as well as a national focal point for drug education, training, and prevention and allow for current research on effective programs for pre-college as well as college students. Once established, the Center could provide assistance to primary and secondary school programs for drug abuse prevention. The Center would provide a forum for continuous, up-to-date training in programs and services. The Center would also be

the focal point for a comprehensive and ongoing needs assessment of the Campus population.

1. The director of the Center will be charged with the coordination of activities designed to achieve the systematic program outlined in 1 above.

2. The Center will not only assess campus needs for drug education but also evaluate the effectiveness of the various outreach programs developed and utilized on Campus and further evaluate the effectiveness of these approaches for other populations.

3. The Center will have sufficient funding to support the activities of permanent, professional staff with the recognition that the activities of the Center will create a greater need for services in the campus population.

4. The Center will have the resources to sponsor or encourage programs offering alternatives to alcohol-related entertainment for students.

C. The University of Maryland College Park should develop a systematic plan for drug counseling and substantially increase the resources devoted to this service. Drug counseling should be absolutely confidential and have sufficient professional staff to meet the Campus community's needs. Treatment connected with counseling should be unrelated to and inadmissible as grounds for disciplinary proceedings. Prompt counseling should be encouraged throughout the community life.

D. It is recommended that advertising for university-sponsored events not include alcohol products. In addition, the University should not permit alcohol beverage companies to sponsor any official University activity such as the present sponsorship of the cheerleading squad. An exception to this policy would be made in cases in which support was offered to research or educational activities focusing on the dangers and risks related to alcoholic substances.

RATIONALE

The Extent of the Problem

The student survey of College Park students indicates that a substantial number of students on Campus have experimented with controlled dangerous substances, that the overwhelming majority use alcohol, and that some students have problems with both alcohol and drug abuse. In light of these data, the Task Force found cause for concern in the findings of its subcommittee on education and counseling.

The Task Force found that currently few students seek help for substance abuse other than alcohol abuse. Interviews with representatives from the Counseling Center, Health Center, and the Clergy indicate that fewer than 150 students a year seek help for substance abuse (other than alcohol). Many of the few students who were treated for substance abuse were seeking help for other problems.

There are a larger number of students (estimated at 3 to 4 times the number of students seeking help for other substance abuse) who either seek help or are referred for alcohol abuse. In some cases, students are required to seek help for alcohol abuse because of driving while intoxicated incidents or problems relating to destruction of property or fighting. However, even when excluding students required to seek help, the number of

students counseled for alcohol abuse is substantially larger than for other substance abuse.

In instances where programs were announced and advertised to the campus community, students did attend alcohol-related programs, but previous to this year few students volunteered to attend educational or counseling sessions related to other substance abuse. This year there has been an increase in the request for such services.

Those serving the student population conclude that students do not seek help for a variety of reasons, the principal ones being: (1) they don't perceive that they have a problem; (2) they are concerned about the legal implications of admitting to substance abuse; (3) students who recognize that they have problems seek private sources or off-campus public sources for help.

Nearly all persons, including students and University officials, who talked to the Task Force felt that the most serious substance abuse problem at College Park (and probably other universities) is with alcohol not other substances. As evidence for this conclusion, these individuals point to the number of students involved in alcohol-related incidents such as auto accidents, damage to the dorms, and fighting incidents.

Campus officials who work with residence halls, sororities, and fraternities also tend to feel that substance abuse other than alcohol is not as serious a problem on the campus as recent publicity would indicate. They agree that there are persons on campus who abuse drugs, but they argue that the number is small and the users not apparent. They note that substance abusers tend to associate with other persons who are tolerant toward substance abuse (often because they themselves are users). These individuals tend to live in campus housing situations where the use of drugs is not that obvious or they live off campus in private housing.

However, the results of the student survey coupled with Task Force conversations with students indicate that more substance abuse of all types occurs on campus than some Campus officials perceive. In addition, a general feeling persists that when substance abuse occurs, Campus officials are slow to act unless there are extremely serious violations of the rights of other students.

It is obvious that the perception of the University's attitudes toward substance abuse must be changed in order for any program to be successful. Thus, it must be made clear that use of controlled dangerous substances in the dormitories and other facilities will not be tolerated. As part of this policy, it must also be made a part of university policy that Resident Life

assistants and other employees are charged with the responsibility of maintaining an environment that is free of substance abuse.

Educational and Counseling Programs Offered on Campus

It appears that counseling programs for persons seeking help for all forms of substance abuse are available either through the Counseling Center or the Health Center. As noted above, they are not heavily used by the campus community. This is especially true for substance abuse programs other than alcohol. The campus community as a whole is ill-informed about the availability of these programs, uneasy about the degree to which they are truly confidential, and unclear about the steps necessary to self-refer or to seek help for a friend. However, if more persons requested help, the resources are not now available on Campus to meet the need.

As distinct from counseling programs to meet the needs of persons seeking help, there are relatively few systematic drug education and prevention programs on Campus. The Health Center's effort in this area is dependent upon hourly student labor making it difficult to attract or retain professional persons. The total University budget for the Health Center's drug education program consists of $15,000 in student labor funds and $2,000 in operating funds. This limited funding precludes the development

of programs to reach many student populations, for example commuters, and the evaluation of efforts currently underway. In other student life areas, drug education is haphazard. For example, the orientation program has no systematic presentation, and dorm programs depend upon what individual Resident Assistants decide to develop and emphasize.

There are a number of alcohol-related prevention programs especially in the fraternity and sorority houses. In part, this development is related to national programs offered to these groups. Also, there is a national trend toward such programs, e.g. friends don't let friends drive drunk. However, the University's role in these programs is limited.

Drug education information is also offered as part of the academic program of the Department of Health Education. The Department offers a course in "Drug Use and Abuse" every semester and because of the increased interest, there are plans to increase the number of sections offered. While such efforts are important and should be supported, it is likely that the course will only reach a small segment of the university population, and it should not be assumed, in the absence of a needs assessment, that such a course should be required of all students. Thus, it should be considered as part of rather than a substitute for a comprehensive campus program.

Some drug education programs for student-athletes have been offered in the past. Several years ago, one program was offered by the Federal Drug Enforcement Agency at the request of the athletic department. In Spring 1984, the Health Education Department and the Athletic Department met to discuss the development of a systematic program. As a result, a workshop was offered for coaches on the problems of drug abuse in April 1984. In 1984-85, a workshop was offered for each of the athletic teams. In 1985-6, the programs were repeated for freshman and transfer students who had not attended the program the previous year.

Conclusions

The Campus has a serious problem regarding alcohol abuse which will not be resolved by band-aid approaches. While the number of other substance abuse problems are not as high as those involving alcohol abuse, they should also be regarded as a serious problem.

Drug education programs on Campus are small and unfocused. In part, this is a result of extremely limited resources in programs such as those in the Health Center. However, the Campus has also failed to take advantage of opportunities in programs such as student orientation to provide educational and prevention programs.

Counseling programs for persons suffering from drug abuse are available in the counseling center as part of their regular counseling programs. Some counseling is also available in the Health Center although resources for such programs are extremely limited. Also, the resource limitation in the Health Center results in the programs being dependent upon graduate students and others who do not have a long term commitment to the University. As noted above, this severely limits the drug education programs for the Campus. With regard to counseling, there are at least some serious questions about whether Health Center personnel have the necessary credentials to perform actual counseling. Certainly staff support involving professionally trained psychiatrists or psychologists is necessary for a long term viable program.

It is critical to recognize the confidential nature of the treatment process. It is unreasonable to expect persons to volunteer to seek help unless the confidential therapist-client relationship can be maintained. Also, ethical considerations concerning the client-patient relationship would be violated if it was necessary to report on treatment of self-referrals. Thus, appropriate safeguards to maintain the confidentiality for all self-referrals (including athletes) must be designed and implemented.

There is a strong sense of cooperation between the Health Center and the Counseling Center. However, it was not always clear to the Task Force how the various responsibilities are divided. Since the Campus needs a variety of programs, it makes sense for at least the Health Center, Counseling Center, the Department of Health Education, and the Department of Psychology to work together to develop a Campus plan for drug education and counseling services through the newly developed Center.

In recent years there have been some drug education programs developed for University student-athletes. However, even in these cases, the programs have been too limited. Thus, two years ago, a program was developed to reach all of the student-athletes. However, during this past year, the program only focused on athletes who were new to the University. Drug education must be more of an ongoing effort both for the Campus and for the student-athletes.

While substance abuse programs for staff and faculty do exist, most of the Campus does not seem to be aware of their availability. Also, if more persons requested such services, it is doubtful whether the resources are available to meet the demand.

It is clear from our national survey of other institutions that the limitation on resources being devoted to solving the

problem of drug abuse is true of most universities in the country. Like society as a whole, higher education seems to be unwilling or unable to address the problem. Because of its location in a major metropolitan area, its proximity to many federal research agencies, and its status as a major research university, the University of Maryland College Park has the opportunity to develop a model program in drug education, prevention, and research that will benefit not only the students, faculty, and staff at College Park but also other people, particularly young people, in the State of Maryland and in other higher education institutions nationally.

The Task Force firmly believes that the establishment of a Center, with its potential for a long-term investment of energy and time in the problem, is an appropriate and effective way to take advantage of the programs and personnel currently involved on Campus and the potential of developing other resources. The Task Force, therefore, urges the Chancellor to consider establishing the Center as a focal point for subsequent Campus efforts in education and prevention.

PART 2

DISCIPLINARY POLICIES

RECOMMENDATIONS

A. The University of Maryland College Park should expand its Code of Student Conduct to specify clearly the penalties for the use, sale, and/or possession of illicit substances.

B. The simple possession and/or use of any controlled dangerous substance, as defined by Maryland law, on Campus or at a University sponsored or sanctioned activity, would result after a due process hearing in either suspension or probation at the University for at least one semester. The student's file would reflect the suspension or probation. Mandatory counseling and discriminate drug testing would be required in the event of probation for the probationary period. In the event of suspension, the student's file would reflect the incomplete status for courses not finished during the semester in which the suspension occurred. The determination as to whether the student receives suspension or probation shall depend upon, but not be limited to, the following factors: age, academic standing at the University, prior criminal convictions or not, other infractions of the Code of Student Conduct or not, extracurricular contributions to the University, and the nature and quantity of the substance possessed or used.

   The student shall have the right to seek in his/her senior year expungement of the violation from his/her file by appeal to the Office of Judicial Programs upon successfully completing the obligations of probation or upon readmission to the University.

C. The first offense for selling and/or distributing any proscribed substance on Campus or at a University sponsored activity and the second offense for use/possession, after a due process hearing, would result in expulsion from the University.

D. After the Code is approved, a comprehensive public information campaign to inform students, faculty and staff of the Code's provisions should be implemented.

   1. Students might be required to sign an agreement at the time of their admission to the College Park Campus

indicating their willingness to adhere to the Code and acknowledging the penalties for failure to abide by it.

2. All incoming freshmen and other new students (i.e., transfer students) can receive information about the Code through a special class held during their orientation period.

Rationale

University of Maryland College Park Policies

The Drug Task Force is convinced that an effective, comprehensive education and prevention program is the foundation necessary for addressing the drug problem at the University of Maryland College Park. In conjunction with this program, the Campus must also demonstrate its commitment to establishing and maintaining a safe and supportive environment for its community members by having explicit, serious sanctions against drug use outlined in the Code of Student Conduct, by increasing community awareness and understanding of these sanctions, and by enforcing these sanctions fairly and consistently.

On the basis of testimony given before a Task Force subcommittee and the student survey, the Task Force concludes that drugs are readily available on or off campus. Users include residents as well as commuters. Distributors may be found in both the resident and nonresident population, included among the students and non-students.

The Task Force heard testimony from representatives of the local College Park Police and the Prince George's County Police authorities indicating that most of the drugs used at College Park are brought on Campus after being purchased in the adjoining District of Columbia and Prince George's County areas. The Task Force also accepts their conclusion that in many instances the abuse of alcohol and other drugs begins as early as the 4th grade of elementary school and continues throughout the lifetime of grandparents, parents, and siblings of the same family unit. It is somewhat difficult under these circumstances to attempt to separate out the contribution made by the college campuses to the overall problem. We must, however, attack the problem of the abuse of drugs on college campuses and attempt to control it.

Of course, it is illegal to possess or distribute certain classes of controlled dangerous substances. It is also illegal to be in possession of certain drug paraphernalia Art. 27 Sec. 276 et seq. These laws are implemented by the provision that makes all students at College Park Campus subject to the Code of Student Conduct which incorporates these illegal acts in its restrictions. The Office of Resident Life, in its contract with students residing in housing supplied by the University, defines those behaviors which are prohibited in and around Campus residence halls. These restrictions include the sale, distribution or possession of any illegal drug.

The Campus contends that compared to other public colleges and universities there appears to be strong enforcement of the Maryland drug laws on Campus. As evidence of this the following Maryland Uniform Crime Report arrest statistics for illegal drugs are offered:

1981 - 10

1982 - 23

1983 - 18

1984 - 8

1985 - 19

These figures show arrests only, not convictions, and do not indicate whether the arrested individual is affiliated with the University of Maryland. In general, approximately 75-90% of drug arrests made by the Campus Police are of individuals not affiliated with the University of Maryland.

The current Code of Student Conduct, published in the Undergraduate Catalog and distributed in brochure form on Campus, prohibits unauthorized distribution or possession of any controlled dangerous substance on University premises, in accordance with Maryland State law.

Further, the Office of Resident Life defines behaviors which are prohibited in and around Campus residence halls. Among the prohibitions are sale, distribution or possession of any

controlled substance or illegal drug. These prohibitions are contained in the Residence Halls Handbook Hallways, which is distributed to Campus residents. Recently the Campus upgraded the use of drugs in the residence halls from a B to an A offense, grounds for expulsion from the residence halls. The Campus has a well-developed, thorough judicial review procedure that works closely with the Campus police and other law enforcement agencies. All students who are arrested on Campus on drug charges are also referred to the Office of Judicial Programs for prosecution under the Code of Student Conduct. (An outline of the Judicial Programs review process is included in the Comprehensive Program in the Conclusion.)

The standard penalty given by the Judicial Review Board for any offense involving the sale of a controlled dangerous substance is expulsion. The standard penalty for possession of a controlled dangerous substance normally entails a period of probation coupled with a community service assignment and referral to the Health Center for counseling. A stricter penalty, including suspension, might be imposed depending upon the circumstances. Between 1983 and 1986 the following number of cases involving prohibited drug/alcohol use or sale came before the Judicial Review Board: 50 for alcohol; one for cocaine; two for LSD; 23 for marijuana; one for amphetamines. These cases resulted in two expulsions, six suspensions, one found innocent,

and the remainder with penalties of probation or a similar sanction.

Conclusions

While the Task Force recognizes that the University already has prohibitions in place against the possession, use and distribution of controlled dangerous substances and is bound by State law in this area and in the use of and distribution of alcohol to minors, the Task Force recommends that the penalties for drug use and distribution be clearly delineated in the Code. Specific changes in the current Code appear in the Comprehensive Program in the Conclusion. After a great deal of debate and consideration of the testimony given at the public hearing, the Task Force settled on a recommendation of suspension or probation with a requirement of mandatory counseling and drug testing in the case of probation as the sanctions for first time use.

The Task Force believed that the penalty ought to be potentially very severe, namely, suspension, in order to send a clear message to the community that drug use would not be tolerated on Campus. However, the Task Force was also convinced that probation would be considered a very serious penalty by students and would allow the student to take advantage of the educational and counseling opportunities available on Campus. The educational and rehabilitation approach seemed appropriate in

the university setting. Depending upon the circumstances, the penalty could therefore be either suspension or probation at the discretion of the judicial review board. Moreover, a student enrolled in the required drug testing program as a result of probation would be subject to expulsion for a positive drug test.

The Task Force further agreed that the student should have the right to clear his/her file of the disciplinary action by petitioning the judicial review board after successful completion of the terms of probation or, in the case of suspension, upon readmission to the University. The judicial review board would take into account the student's subsequent record at the University as well as his/her involvement in drug education and counseling programs. Prior to expungement of the disciplinary action, the University should respond to inquiries concerning convictions for use of controlled dangerous substances in the same manner as it does for other disciplinary actions.

The Task Force strongly recommends expulsion as the appropriate penalty for the first offense for selling and/or distributing any controlled dangerous substance or the second use/possession offense.

In addition to the recommendations for widely disseminating information about the penalties, the Task Force has included in

Part 4 some recommendations for improving enforcement of drug laws on Campus.

Further, the Task Force believes that the Code of Student Conduct should be revised to specify that the sale and distribution of alcoholic beverages to a minor and the use or possession of alcohol by a minor are prohibited on Campus or at University-sponsored events.

Finally, the Task Force concludes that attempts to eliminate drug use on the College Park Campus cannot stop with the students. Faculty and staff members should also be subject to the same rules and regulations as the students.

PART 3

DRUG TESTING

RECOMMENDATIONS

A. The University of Maryland College Park should have a random drug testing program, with consent a condition of participation in the activity, for students participating in those Intercollegiate Athletic sports and in any other University-sponsored activities that pose health hazards and expose participants to significant pressure to use and abuse drugs. The results of these random tests are to be confidential between physician and patient and not admissible as evidence in disciplinary proceedings.

B. The University of Maryland College Park should institute a judicially-discriminate drug testing program for all members of the community in cases where there is reasonable cause to believe that a person is using controlled dangerous substances. This program would require independent approval from the appropriate Campus authority before an individual is asked to submit to drug testing. Positive results from these tests or refusal to be tested represent grounds for disciplinary action.

C. Any student found guilty of using or possessing any controlled dangerous substance should, as a condition of remaining in the university on probation, be enrolled in a judicially-discriminate drug testing program for continued testing with the understanding that a positive drug test in the testing program may result, after a due process hearing, in expulsion from the university.

Rationale

Random Drug Testing for Student-Athletes

The potential for drug abuse now threatens (1) the health of

collegiate athletes, (2) the public's confidence in athletic departments and (3) the academic reputation of many colleges and universities. In view of these threats, the University of Maryland College Park must make every possible effort to ameliorate the problem, and should affirm the value of athletic programs when, and only when, they are conducted with a view toward the common educational goals of the University.

The principal motivation for drug testing must be the health of student-athletes. Hence the University should expect that all of its student-athletes:

1. Be medically certified as fit for competition
2. Be appropriately conditioned for competition
3. Be outfitted with the appropriate safety equipment
4. Be provided medical supervision

Moreover, the Task Force recommends that the University disqualify an athlete from competition whenever in the judgment of health authorities his or her continued participation would constitute a threat to health.

Because health is fundamental, the University should reserve the right to conduct upon its student-athletes whatever tests it deems necessary to the certification of fitness for competition. Moreover, in some highly visible intercollegiate sports, the participants are subjected to special pressure from the external

and internal community to use controlled dangerous substances. The Task Force recommends specifically that student-athletes in those intercollegiate sports that meet the dual criteria of presenting health hazards in the event of drug use and of subjecting participants to pressure to use drugs be required to undergo random drug testing with prior consent required. It would be the University's responsibility to designate those sports that meet these criteria.

Student-athletes enjoy a privilege in competing in intercollegiate athletics and it seems appropriate, in order to protect the well-being of all involved in competitive sports, to require some student-athletes who meet the criteria outlined above to consent to random drug testing as a prerequisite for participation in the program. The results of the random drug tests should be utilized solely for health purposes and should remain at all times medically confidential. Coaches should only know when athletes have been certified as fit or unfit for competition and should be proscribed from discussing disqualification from play or practice with anyone, including the student-athlete. Certification for play or disqualification from play resulting from evidence acquired through random drug testing should be the responsibility solely of the physician administering the program.

There is clearly a strong public interest in intercollegiate sports. Students who choose to become involved in intercollegiate sports must do so with the knowledge that sports are pervasively regulated (e.g., NCAA policies). It should be noted that the NCAA has a drug testing requirement for participation in football bowl games.

There are times when the right of privacy must reasonably yield to the right of colleges and universities to protect their highest principles. For athletes to carry the name of an institution of higher learning into competition, for athletes to use the university as a stepping stone to professional sports, for athletes to gain an athletic scholarship--for any or all of these reasons athletes should reasonably agree to advance the institution by supporting its goals and objectives and by refraining from health behavior that might affect athletic performance.

In addition to athletes, there may be other, as yet unidentified, groups in the university community to whom the criteria outlined above apply and who might thus be candidates for random drug testing.

Judicially-Discriminate Drug Testing Program

Non-random drug testing is recommended for any member of the Campus community for whom there is a reasonable cause to believe that he/she is using controlled dangerous substances. As the recommendation indicates, a Campus procedure is required involving independent review of the grounds for "reasonable cause" in each case. "Reasonable cause" is used here in a sense akin to "probable cause" but limited to the civil or administrative context. It is the Task Force's intent that judicially-discriminate drug testing on Campus function as a means to an end, namely, verifying that a person has a problem with drugs, and while it may result in disciplinary action, it also should provide the opportunity for rehabilitation.

Further, as an adjunct to the disciplinary policies outlined in Part 2, the Task Force recommends that a student found guilty of the use of a dangerous controlled substance who is given probation be required to enroll in a drug testing program as a condition for probation.

Those enrolled in this program shall, during the period of that enrollment, call the Health Center daily (Monday through Friday) to offer a urine sample. The Task Force recommends six months as a benchmark for length of enrollment. Upon receiving such a call, the Health Center shall inform the person as to

whether he/she will be tested on that day. After the first six months, the person shall report for testing as requested by the judicial board or other administrative body. Those enrolled in this program shall be required to pay for the cost of testing. The Task Force believes that drug testing in this program serves not only as a sanction but also as a deterrent to further use.

The Task Force recommends protocols for both the random and the judicially-discriminate drug testing programs, a consent form for the random drug testing program, a list of illegal substances for the judicially-discriminate program, and recommended banned substances (including excessive alcohol) for student-athletes. These items are included in the Comprehensive Program outlined in the Conclusion.

PART 4

LAW ENFORCEMENT COORDINATION AND COOPERATION

RECOMMENDATIONS

A. The University of Maryland College Park should enlarge the staff of its police department for more effectiveness throughout the Campus and particularly in residential areas of the Campus.

B. The University of Maryland College Park should strengthen the enforcement of its drug policies in the residential community by increasing educational programs and improving the cooperation between police and resident advisors.

C. The University of Maryland College Park should expand its enforcement practices to include a confidential drug tip hotline, the appropriate use of anonymous surveillance personnel, and the publication of statistics regarding probation/suspension and expulsion in drug-related cases.

RATIONALE

Findings

The University of Maryland College Park Campus Police Department is an independent police agency created by State law, Education Article Section 13-107, Annotated Code of Maryland. The State law provides that a University of Maryland police officer has all the powers of a "peace and police officer in this State." These powers may be exercised on property that is "owned, leased, operated by, or under the control of the

University of Maryland." Under very limited circumstances the statute permits the campus police officer to exercise police powers on other property. Those circumstances would include when the officer is 1) engaged in fresh pursuit of a suspect offender or 2) is requested to do so by the chief police officer of a county or 3) when it is necessary in order to facilitate the orderly flow of traffic to and from property under the control of the University of Maryland, or 4) in the unusual circumstance when he/she is ordered to do so by the Governor of the State.

In 1977 the County and the College Park Campus entered into a memorandum of understanding that allows for the deployment of Campus police officers within the fraternity and sorority area of the City of College Park for the enforcement of specific crimes and misdemeanors. This agreement provided for a geographical operational area for Campus police officers and specified their duties.

Members of the campus community have access to the emergency 911 number for the county and the county generally contacts both its police force and the Campus police force. Working relationships have been established with a variety of law enforcement agencies including the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Maryland State Police. The University of Maryland Campus Police Department is connected to the major criminal information

computer terminals including the National Crime Information Center (NCIC) and the Maryland Criminal Justice Information System (CJIS).

The Campus police refer all cases involving violations of the criminal law to the Prince Georges County State's Attorney's Office for processing. The Campus police force has cooperated with federal and state authorities on major drug cases involving students and non-students who use the College Park Campus as a distribution site.

The Campus police force is not very large considering the size of the population which it must patrol. There are 72 sworn police officers guarding the College Park population of nearly 56,000 people. Obviously, that population expands and contracts each day as commuters come and go from the campus. There are approximately 43,000 registered cars, but the campus police force only has 5 operational patrol cars. There are approximately 292 buildings on campus of which only 42 are connected to a central fire alarm system. To help supplement the police force there are 140 students paid as police aides. They provide a variety of services on campus but they do not have powers co-extensive with the Campus Police Department.

Although the Campus police have the authority to enter any building owned, leased or under the control of the University of

Maryland, the police as a matter of policy do not routinely patrol inside dormitories. They enter dormitories in response to emergency calls or to inspect as a part of their fire prevention activities and at the request of resident advisors when disorderly situations develop.

Conclusions

The Task Force was impressed by the high degree of professionalism and commitment demonstrated by the officers of the Campus police force. The Campus police perform many functions. Their primary responsibilities include enforcement of traffic laws on the Campus, serving as fire inspectors for the many buildings not attached to a central alarm system, developing programs to prevent sexual offenses from occurring on Campus, and enforcing trespass laws to minimize the number of unauthorized persons on campus. The Campus police work with University officials and resident advisors in helping to enforce the Code of Student Conduct. The Campus police also work with other law enforcement agencies in enforcing general criminal laws including the drug laws.

The recommendations of the Task Force to enlarge the size of the Campus Police Force and broaden slightly its responsibilities are intended to support the police in their many roles and not to

create an oppressive campus environment. While the police need not patrol residence halls, they should work more closely with Resident Life personnel and be called in more frequently for reasonable cause. Resident Assistants should be offered better, more explicit training in the enforcement of residence hall rules and in the way in which they should interact with police.

The establishment of a drug tip hotline and the publication of arrest statistics reinforces the community's sense of the seriousness of drug offenses and provides the police with community support for enforcement. In addition to its three principal recommendations in this area, the Task Force also recommends that the Campus police force be relieved of its responsibilities of patrolling buildings as "fire inspectors." The university should take steps to connect all of its buildings to a central fire alarm system.

Finally, the Campus police should review with other law enforcement agencies the memoranda of understanding which now govern investigative and enforcement activity on the Campus and in the City of College Park. Those protocols may be in need of revision. We suggest that the Campus police urge other agencies such as the State's Attorney's Office and the Prince George's County police to identify individuals within those agencies who will become experts on the unique nature of the College Park

Campus. The development of such expertise should improve law enforcement inter-agency cooperation.

COMPREHENSIVE MODEL PROGRAM

PART 1
EDUCATION AND COUNSELING

RECOMMENDATIONS

A. The University of Maryland College Park should provide a systematic drug education and prevention program, designed to reach all segments of the Campus community and well developed and staffed by professionals in the field.

   1. Entailed in this recommendation is a detailed assessment of the drug education and prevention services necessary to reach faculty, staff, and students.

   2. The program will require the cooperation of faculty in Health Education, Psychology, and related departments, the Health Center, and the Counseling Center; it should be coordinated through the newly established Center for Drug Abuse Education, Abuse Prevention and Research (Recommendation 1B).

   3. The program should be designed to reach all segments of the student population, including commuters.

   4. As a part of this program, a drug education unit should be incorporated into the orientation program for all students, both freshmen and transfer.

   5. The program should have a component that widely disseminates information about Campus drug policies and services.

   6. The program should focus on alcohol as well as other substance abuse.

B. The University of Maryland College Park should establish a Center for Drug Abuse Education, Abuse Prevention, and Research in order to achieve a well-integrated, centralized program. The Center would provide for a campus as well as a national focal point for drug education, training, and prevention and allow for current research on effective programs for pre-college as well as college students. Once

established, the Center could provide assistance to primary and secondary school programs for drug abuse prevention. The Center would provide a forum for continuous, up-to-date training in programs and services. The Center would also be the focal point for a comprehensive and ongoing needs assessment of the Campus population.

1. The director of the Center will be charged with the coordination of activities designed to achieve the systematic program outlined in 1 above.

2. The Center will not only assess campus needs for drug education but also evaluate the effectiveness of the various outreach programs developed and utilized on Campus and further evaluate the effectiveness of these approaches for other populations.

3. The Center will have sufficient funding to support the activities of permanent, professional staff with the recognition that the activities of the Center will create a greater need for services in the campus population.

4. The Center will have the resources to sponsor or encourage programs offering alternatives to alcohol-related entertainment for students.

C. The University of Maryland College Park should develop a systematic plan for drug counseling and substantially increase the resources devoted to this service. Drug counseling should be absolutely confidential and have sufficient professional staff to meet the Campus community's needs. Treatment connected with counseling should be unrelated to and inadmissible as grounds for disciplinary proceedings. Prompt counseling should be encouraged throughout the community life.

D. It is recommended that advertising for university-sponsored events not include alcohol products. In addition, the University should not permit alcohol beverage companies to sponsor any official University activity such as the present sponsorship of the cheerleading squad. An exception to this policy would be made in cases in which support was offered to research or educational activities focussing on the dangers and risks related to alcoholic substances.

PART 2
DISCIPLINARY POLICIES

RECOMMENDATIONS

A. The University of Maryland College Park should expand its Code of Student Conduct to specify clearly the penalties for the use, sale, and/or possession of illicit substances.

B. The simple possession and/or use of any controlled dangerous substance, as defined by Maryland law, on Campus or at a University sponsored or sanctioned activity, would result after a due process hearing in either suspension or probation at the University for at least one semester. The student's file would reflect the suspension or probation. Mandatory counseling and discriminate drug testing would be required in the event of probation for the probationary period. In the event of suspension, the student's file would reflect the incomplete status for courses not finished during the semester in which the suspension occurred. The determination as to whether the student receives suspension or probation shall depend upon, but not be limited to, the following factors: age, academic standing at the University, prior criminal convictions or not, other infractions of the Code of Student Conduct or not, extracurricular contributions to the University, and the nature and quantity of the substance possessed or used.

   The student shall have the right to seek in his/her senior year expungement of the violation from his/her file by appeal to the Office of Judicial Programs upon successfully completing the obligations of probation or upon readmission to the University.

C. The first offense for selling and/or distributing any proscribed substance on Campus or at a University sponsored activity and the second offense for use/possession, after a due process hearing, would result in expulsion from the University.

D. After the Code is approved, a comprehensive public information campaign to inform students, faculty and staff of the Code's provisions should be implemented.

   1. Students might be required to sign an agreement at the time of their admission to the College Park Campus indicating their willingness to adhere to the Code and acknowledging the penalties for failure to abide by it.

   2. All incoming freshmen and other new students (i.e., transfer students) can receive information about the

Code through a special class held during their orientation period.

PART 3
DRUG TESTING

RECOMMENDATIONS

A. The University of Maryland College Park should have a random drug testing program, with consent a condition of participation in the activity, for students participating in those Intercollegiate Athletic sports and in any other University-sponsored activities that pose health hazards and expose participants to significant pressure to use and abuse drugs. The results of these random tests are to be confidential between physician and patient and not admissible as evidence in disciplinary proceedings.

B. The University of Maryland College Park should institute a judicially-discriminate drug testing program for all members of the community in cases where there is reasonable cause to believe that a person is using controlled dangerous substances. This program would require independent approval from the appropriate Campus authority before an individual is asked to submit to drug testing. Positive results from these tests or refusal to be tested represent grounds for disciplinary action.

C. Any student found guilty of using or possessing any controlled dangerous substance should, as a condition of remaining in the university on probation, be enrolled in a judicially-discriminate drug testing program for continued testing with the understanding that a positive drug test in the testing program may result, after a due process hearing, in expulsion from the university.

PART 4
LAW ENFORCEMENT COORDINATION AND COOPERATION

RECOMMENDATIONS

A. The University of Maryland College Park should enlarge the staff of its police department for more effectiveness

throughout the Campus and particularly in residential areas of the Campus.

B. The University of Maryland College Park should strengthen the enforcement of its drug policies in the residential community by increasing educational programs and improving the cooperation between police and resident advisors.

C. The University of Maryland College Park should expand its enforcement practices to include a confidential drug tip hotline, the appropriate use of anonymous surveillance personnel, and the publication of statistics regarding probation/suspension and expulsion in drug-related cases.

Protocol for

The Random Drug Testing Program

I. All who are to be tested will receive a copy of a University Drug Testing Policy Statement which will clearly outline the rationale for testing.

II. All who are to be tested will receive consent forms to be read and signed in advance of testing. In the case of individuals less then 18 years of age a consent form must be signed by at least one parent.

III. All who are subject to random drug testing will be tested a minimum of three times throughout the academic year. These tests will be done at random intervals and will not be announced in advance. The schedule for the tests will be developed by the University Health Center.

IV. All those tested will be asked to confirm as accurate List-A, pairing their name with their social security number. A List-B will then be made, pairing social security numbers with code numbers. These code numbers will be used to label urine bottles and lab request forms.

V. Collection of urine samples will be supervised by University Health Center staff, and all other persons shall be barred from the collection area.

VI. Within the collection area, those to be tested will undress under supervision of a University Health Center official of the same sex, put on dressing gowns, enter a secured bathroom, and provide a urine sample.

VII. At the time of collection, each person tested will be required to verify that the code number of the label he/she is given is the same number paired with his/her social security number on List B, and to apply that label to his/her urine bottle. All samples will remain under the direct control of the Health Center staff until released to the laboratory. A chain of custody shall be documented and maintained by the Health Center. Results will be delivered directly to the Health Center Director or his/her designated representative.

VIII. List-A and List-B will be kept by the Health Center to identify test results. These lists and results will be kept confidential by the University and released only as required by law or as provided in the University Drug Policy Statement.

IX. The Director of the Health Center (or designee) will arrange contact of those with positive test results and appropriate referrals. All such contacts and referrals will be confidential and in conformance with the University Drug Policy Statement.

X. The laboratory selected for drug testing shall be chosen by the Director of the Health Center with the assistance of such consultant(s) as the Director may consider appropriate. The laboratory shall possess the capability to test for and to confirm (as specified) the drugs specified in the contract for services, without resorting to the use of additional laboratories for screening or for confirmation.

XI. The laboratory selected to test for illegal drugs shall provide for preliminary screening for the designated drugs at limits of detection that may be determined by the Health Center Director; and shall provide for confirmation of positive screening results with a second method employing different physical/chemical principles from the screening method. Any confirmed test shall be further confirmed by analysis with gas chromatography-mass spectrometry or other appropriate confirmatory test(s).

XII. The laboratory shall retain all samples for a period of two weeks, and all positive samples for at least six months, subsequent to the date of receipt.

XIII. The laboratory shall be licensed to perform drug testing in the State of Maryland. The laboratory shall make available for inspection by the Health Center Director or his/her designee, the testing facilities, test and quality control records, and proficiency testing records.

Protocol for

The Judicially-Discriminate Drug Testing Program

I. All members of the University community enrolled in the JDDTP shall submit to the same testing program whether they were referred by the appropriate authority because of suspicions of guilt or because they were found to possess illegal drugs.

II. All who are enrolled in the JDDTP shall call the Health Center daily (Monday through Friday) to offer urine samples.

III. Upon receiving such a call, an official of the Health Center shall inform the caller as to whether he/she wishes to test him or her on that day.

IV. If selected for testing, the person will be required to come to the Health Center. Here the person will undress under the supervision of a University Health Center official of the same sex, put on dressing gowns, enter a secured bathroom, and provide a urine sample.

V. Each person tested will be asked to confirm as accurate List-A, pairing names with his or her social security number. A List-B will pair social security numbers with code numbers. The code numbers will be used to label urine bottles and lab request forms.

VI. At the time of collection, each person will be required to verify that the code number of the label he/she is given is the same number paired with his/her social security number on List-B, and to apply that label to his/her urine bottle. All samples will remain under the direct control of the Health Center staff until released to the laboratory. A chain of custody shall be documented and maintained by the Health Center. Results will be delivered directly to the Health Center Director or his/her designated representative.

VII. List-A and List-B will be kept by the Health Center to identify test results. These lists and results will be kept confidential by the University and released only as required by law or as provided in the University Drug Policy Statement.

VIII. The Director of the Health Center (or designee) will contact the person tested and the appropriate University official with positive results.

IX. Subject to the judgement of the medical authority, the Task Force recommends that, if after six months no positive drug tests arise, the person shall report for drug testing only when requested to do so by his or her Judicial Board.

X. The laboratory selected for drug testing shall be chosen by the Director of the Health Center with the assistance of such consultant(s) as the Director may consider appropriate. The laboratory shall possess capability to test for and to confirm (as specified) the drugs specified in the contract for services, without resorting to the use of additional laboratories for screening or for confirmation.

XI. The laboratory selected to test for illegal drugs shall provide for preliminary screening for the designated drugs at limits of detection that may be determined by the Health Center Director; and shall provide for confirmation of positive screening results with a second method employing different physical/chemical principles from the screening method. Any confirmed test shall be further confirmed by analysis with gas chromatography-mass spectrometry or other appropriate confirmatory test(s).

XII. The laboratory shall retain all samples for a period of two weeks, and all positive samples for at least six months, subsequent to the date of receipt.

XIII. The laboratory shall be licensed to perform drug testing in the State of Maryland. The laboratory shall make available for inspection by the Health Center Director or his/her designee, the testing facilities, test and quality control records, and proficiency testing records.

CONSENT TO TESTING OF URINE SAMPLES
AND AUTHORIZATION FOR RELEASE OF INFORMATION

TO: Director
University Health Center
University of Maryland
College Park, Maryland 20742

I, _____, in consideration of being permitted to participate in_____, voluntarily consent to be governed by the University of Maryland College Park Drug Policy Statement (Drug Policy). I acknowledge that I have been provided with a copy of this Drug Policy and that I have read it. I understand that the Drug Policy was implemented to protect my health and welfare, other members of the University of Maryland community, and other persons who may be adversely affected as a result of improper use of drugs. In particular, I voluntarily consent to random drug detection testing by urinalysis made under the auspices of the University, which tests may or may not be announced in advance. I understand that refusal to participate in this program will render me ineligible for participation in _____.

I further understand that the University will not voluntarily supply personally identifiable test results to any agency or person in a position to take disciplinary action against me; which is to say, all drug testing results will remain medically confidential. I understand, however, that such records may be released if judicially compelled by legal subpoena or summons. I also understand that such records must be released, upon request, to my parent(s) or legal guardian(s) if I am financially dependent upon them (i.e., claimed as a tax exemption).

(In the case of student-athletes: I understand that the only information any member of the athletic department will receive regarding my personal drug testing records will be a notification of my eligibility or ineligibility for intercollegiate sports.)

I understand that any urine sample(s) will be sent to a laboratory outside the University for actual testing.

The University of Maryland, its Board of Regents, its officers, employees and agents are hereby released from legal responsibility or liability for the release of such information and records as authorized by this form.

Dated: _____

_____
PRINT NAME

_____
SIGNATURE

Dated: _____

_____
SIGNATURE OF PARENT
(If student is under 18 years of age)

Illegal Drugs

With reference to the judicially-discriminate drug testing program, urinalysis shall include procedures for detection of any one or any combination of the following drugs: All drugs or harmful substances prohibited as controlled dangerous substances under Schedules I through V of Article 27, Sec. 279 of the Annotate Code of Maryland, (as amended from time to time) all harmful substances, the inhaling or smelling of which is prohibited by Article 27, Sec. 301 (as amended from time to time), all prescription drugs as defined in Article 27, Sec. 300 (as amended from time to time).

Recommended Banned Drugs for Student-Athletes

Psychomotor stimulants:

amphetamine
benzphetamine
chlorphentermine
cocaine
diethylproplon
dimethylamphetamine
ethylamphetamine
fencamfamine
meclofenoxate
methylamphetamine
methylphenidate
norpseudoephedrine
pemoline
phendimetrazine
phenmetrazine
phentermine
pipradol
prolintane
AND RELATED COMPOUNDS

Sympathomimetic amines:

chlorprenaline
ephedrine
etafedreine
isoetharine
isoprenaline
methoxphenamine
methylephedrine
phenylpropanolamine
AND RELATED COMPOUNDS

Miscellaneous central nervous system stimulants:

amiphenazole
bemigride
caffeine[1]
cropropamide
crolethamide
doxapram
ethamivan
leptazol
nikethamide
picrotoxine
strychnine
AND RELATED COMPOUNDS

Anabolic Steroids:

clostebol
dehydrochlormethyl-testosterone
fluoxymesterone
methandienone
methenolone
methyltestosterone
mesterolone
nandrolone
norethandrolone
oxandrolone
oxymesterone
oxymetholone
stanozolol
testosterone[2]
AND RELATED COMPOUNDS

Diuretics:

bendroflumethiazide
benzthiazide
bumetanide
chlorothiazide
chlorthalidone
cyclothiazide
ethacrynic acid
flumethiazide
flurosemide
hydrochlorothiazide
hydroflumethiazide
methyclothiazide
metolazone
polythiazide
quinethazone
spironolactone
triamterene
trichlormethiazide
AND RELATED COMPOUNDS

Narcotic Analgesics:

anileridine
codeine
dextromoramide
dihydrocodeine
dipipanone
ethylmorphine
heroin
hydrocodone
hydromorphone
levorphanol
methadone
morphine
oxcodone
oxymorphone
pentazocine
pethidine
phenazocine
thebacon
trimeperidine
AND RELATED COMPOUNDS

Other Drugs:

amphetamine
barbiturates
"designer" drugs
hashish
inhalants
marijuana
methamphetamine
methaqualone
phencyclidine (PCP)
solvents
THC (tetrahydrocannabinol)
OTHERS

Alcohol[3]

Definition of positive depends on the following:

[1]for caffeine--if the concentration in urine exceeds 15 micrograms/ml.

[2]for testosterone--if the ratio of the total concentration of testosterone to that of epitestosterone in the urine exceeds 6.

[3]for alcohol--if the concentration exceeds 0.05%.

Recommended Changes in Current UMCP
Code of Student Conduct

1. Under Heading "Prohibited Conduct" replace "g. unauthorized distribution or possession for purposes of distribution of any controlled substance or illegal drug on University premises or at University-sponsored activities" with --

   g. The simple possession and/or use of any controlled dangerous substance, as defined by Maryland law, on Campus or at a University-sponsored or sanctioned activity;

   gg. selling and/or distributing any proscribed substance on Campus or at a University-sponsored activity and a second offense of use/possession.

2. Under heading "Sanctions" add --

   15. Violation of g above would result in either suspension or probation for at least one semester. The student's file would reflect the suspension or probation. Mandatory counseling and discriminate drug testing would be required in the event of probation for the probationary period. In the event of suspension, the student's file would reflect the incomplete status for courses not finished during the semester in which the suspension occurred. The determination as to whether the student receives suspension or probation shall depend upon, but not be limited to, the following factors: age, academic standing at the University, prior criminal convictions or not, other infractions of the Code of Student Conduct or not, extracurricular contributions to the University, and the nature and quantity of the substance possessed or used.

   16. Violation of gg above would result, after a due process hearing, in expulsion from the University.

OFFICE OF JUDICIAL PROGRAMS
CASE PROCESS OUTLINE

1. Complaint filed with Office of Judicial Programs. Any person may file a signed complaint alleging that a student has violated the Code of Student Conduct.

2. Summons sent to respondent. Students identified in the complaint are sent a copy of the complaint and asked to appear for a preliminary interview.

3. Preliminary interview. Charges and procedures are reviewed with the accused student. The student will normally give an oral or written response to the accusation. Cases which may then result in suspension or expulsion are set for a hearing, as defined in Parts 11, 12, and 28 of the Code. All other cases are normally resolved in an immediate disciplinary conference, as set forth in Part 30.

4. Disciplinary conferences. The majority of campus disciplinary cases are resolved in disciplinary conferences conducted by the Director of Judicial Programs or a designee, including a member of the student judiciary. Conferences are informal, non-adversarial proceedings designed to elicit relevant facts and to assess appropriate penalties. (See Code annotation 29). Students found responsible for a disciplinary violation are frequently assigned to community service projects involving 8 - 32 hours of physical labor. There is no formal right to appeal a disciplinary conference decision.

5. Hearings. Cases which may result in suspension or expulsion are resolved in disciplinary hearings before a student hearing panel. Detailed procedural protections are set forth in Part 32 of the Code. The hearing panel will prepare written findings of fact and a recommended penalty for review by the Director of Judicial Programs.

6. Appeals. Students found guilty of a charge after a hearing are accorded a limited right of appeal to a committee of the University Senate, as set forth in Parts 38 - 45 of the Code.

7. Suspension or Expulsion. Each case involving suspension or expulsion must be reviewed and approved by the Vice Chancellor for Student Affairs or by the Chancellor, respectively.

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I. Subcommittee on the National Search of American Colleges' and Universities' Drug Policy, Rules, Practice and Experience

CHARGE

Chancellor Slaughter has requested that the Task Force determine if current College Park regulations, policies, drug education and counseling programs reflect the best practices nationally. It is requested that this subcommittee undertake a national search of American colleges and universities to determine the most successful approaches now being used on similar campuses to combat the drug abuse problem.

It is requested that this subcommittee identify a reasonable number of "like" universities with which to compare College Park, and address the feasibility of members of the Task Force visiting the campuses of four or five universities to obtain firsthand knowledge of their programs. It is suggested that the criteria for selection of comparable universities and colleges include innovation, progress in addressing the issues, success in dealing with the problems and positive changes in policies and techniques based upon recent experience.

MEMBERSHIP

Charles Wellford, Chair
Steny H. Hoyer
Alvina Long
Ronald M. Shapiro

II. Subcommittee on College Park Drug Education and Counseling

CHARGE

Chancellor Slaughter has requested that the Task Force determine how well College Park drug education and counseling services compare with those programs offered nationally by similar American colleges and universities. It is requested that this subcommittee collect all pertinent data, including interviews with faculty, university employees and students, necessary to determine the quality, availability and effectiveness of current programs for drug education and counseling at the College Park Campus.

MEMBERSHIP

Irwin L. Goldstein, Chair
Louis L. Murdock
Torrey C. Brown
Peter S. Fayne

III. Subcommittee on College Park Disciplinary Policies and Enforcement Practices

CHARGE

Chancellor Slaughter has requested that the Task Force examine the laws, regulations and policies currently in effect regarding drugs at the College Park Campus, and determine if they reflect the best practices nationally. It is requested that this subcommittee examine current College Park disciplinary policies and enforcement practices regarding the problem of substance abuse. This inquiry includes, but is not limited to, an analysis of the Code of Student Conduct, campus regulations, the residence hall rules, and adjudication procedures.

MEMBERSHIP

Solomon Liss, Chair
George Brosan
Benjamin L. Cardin
Sylvia Stewart

IV. Subcommittee on Drug Testing

CHARGE

Chancellor Slaughter has requested that the Task Force determine if current policies regarding drugs on the College Park Campus reflect the best practices nationally. It is important that the Task Force understand the place of drug testing in the University's policies regarding drugs. Please be prepared to report on the scientific and practical efficacy of drug testing not only for University athletes, but for larger groups or bodies at College Park. Please compare the University's practices and policies on drug testing with those at like American colleges and universities.

MEMBERSHIP

John Burt, Chair
Thomas Koch
Howard B. Silverman

V. Subcommittee on Law Enforcement Cooperation and Coordination

CHARGE

Chancellor Slaughter has requested that the Task Force determine how the College Park Campus can cooperate more effectively with local, state and national law enforcement authorities on drug-related matters. It is requested that this subcommittee ascertain the current policy and practice regarding drug law enforcement efforts on the College Park Campus. This includes, but is not limited to, a review of the agreements between the College Park Police Department and relevant law enforcement agencies such as the Prince George's County Police Department, the Drug Enforcement Administration, Maryland State Police and the Metropolitan Police Department in Washington, D.C.

MEMBERSHIP

Sandra O'Connor, Co-Chair
Kurt Schmoke, Co-Chair
Robert Y. Dubel
Ruth Massinga

TESTIFIERS AT DRUG TASK FORCE SUBCOMMITTEE MEETINGS

I. Task Force Subcommittee on the National Search of American Colleges' and Universities' Drug Policy, Rules, Practice and Experience
Chair: Charles Wellford

- No one testified in person; contacts were made by telephone and surveys.

II. Task Force Subcommittee on College Park Drug Education and Counseling
Chair: Irwin L. Goldstein

-	Mary Bentley	Substance Abuse Counselor, Health Center
-	Wayne Bruce	President, Panhellenic Council
-	Rob Burdette	Campus Ministries
-	Roberta Coates	South Hill Community Director
-	Lisa Fronczek	Resident Assistant
-	Marsha Guenzler	Campus Activities
-	Craig Hofford	Health Education
-	Randy Hoffman	Associate Director, Athletic Department
-	Jerome Linkins	Resident Assistant
-	Gary Pavela	Director, Judicial Programs
-	Wayne Reed	Residence Halls Association
-	Robin Sawyer	Substance Abuse Counselor, Health Center
-	Ira Shey	Interfraternity Council
-	Richard Stimpson	Director, Resident Life

-	Gerry Strumpf	Director, Orientation
-	Joy Zucker	North Hill Area Council

III. Task Force Subcommittee on College Park Disciplinary Policies and Enforcement Practices
Chair: Solomon Liss

-	Michael Flaherty	Chief, Prince George's County Police Department
-	Chris Malone	UMCP Undergraduate student
-	Gary Pavela	Director, Judicial Programs
-	Wayne Reed	UMCP Undergraduate Student, Residence Halls Association
-	Major James Ross	Prince George's Police Department
-	Eugene Sides	Chief, UMCP Police Department
-	Richard Stimpson	Director, Resident Life
-	Joy Zucker	UMCP Undergraduate Student, North Hill Area Council

IV. Task Force Subcommittee on Drug Testing
Chair: John Burt

-	Susan Bayly	Legal Staff
-	Margaret Bridwell	Director, Health Center
-	Jim Dietsch	Academic Coordinator, Intercollegiate Athletics
-	Bruce Mesmer	UMCP Student-Athlete
-	Ivan Powell	UMCP Student-Athlete
-	Herman Veal	UMCP Undergraduate Student

V. Task Force Subcommittee on Law Enforcement Cooperation and Coordination
Co-chairs: Sandra O'Connor
Kurt Schmoke

-	Arthur Marshall	Prince George's County State's Attorney
-	Major James Ross	Prince George's Police Department
-	Eugene Sides	Chief, UMCP Police Department

This subcommittee also met jointly with Subcommittee III.

TESTIFIERS AT DRUG TASK FORCE OPEN HEARING
November 11, 1986

Vince Andrews	UMCP Graduate Student
Kenneth Beck	Professor, Health Education
Margaret Bridwell	Director, Health Center
Jehru St. Valentine Brown	Winning Edge
Kim Chorosiewski	Student-Athlete
Denise G. Crute	Training Specialist, END, Inc.; written testimony only
Steven Fahey	Sports, Health Center
Roger Folstrum	Professor, Department of Music
Robert Gold	Professor, Health Education
Marc Greidingel	UMCP Graduate Student, School of Public Affairs
Craig Hofford	Program Coordinator, Drug Education for Athletes
Mary Ellen Hrutka	Director, Experiential Learning Center
Harry Hulson	written testimony only
Alex Isherwood	Intercollegiate Athletics
Sally Jacob	UMCP Student
Michael Jacobs	City of College Park Councilman
William Kalin	Peer Educator, Alcohol Program
William Kinnard	Dean, UM School of Pharmacy
Keith Kocarek	BACCHUS; Vice President, Sigma Alpha Epsilon
Paul Kuhn	
Michael Lenaghan	President, The Lenaghan Group, Inc.

Thomas Magoon	Director, Counseling Center
Dale Masi	UMAB School of Social Work and Community Planning
Steven Mohlhenrich	UMCP Undergraduate Student; Campus Judicial Board
Tom Mueller	Student Government Association
Khalil Munir	Winning Edge
Bill Norwood	UMCP Physical Science Technician
Gary Pavela	Director, Judicial Programs
Lauren Richardson	UMCP Undergraduate Student
Michael Reilly	Researcher, Government & Politics/Philosophy
Barbara Riordan	UMCP Student
Bill Salmond	Director/Attorney, Student Legal Aid
Tom Scheurmann	Employee, Resident Life
Vickie Sleiman	Winning Edge
Stephen Thomas	Professor, Health Education
Tony Tommasello	Student, UM School of Pharmacy; Committee on Drug Abuse Education
Benjamin Unkle	Student Member, UM Board of Regents
Herman Veal	Undergraduate Student; Former Athlete
Charles L. Wilson	President, END, Inc.; written testimony only
Mrs. Wynn-Baxter	President, Education Training Concepts
Matthew Zanger	UMCP Graduate Student; Resident Director, Cambridge
Joy Zucker	UMCP Undergraduate Student; North Hill Area Council

CONFIDENTIAL: PLEASE DO NOT SIGN YOUR NAME

UNIVERSITY OF MARYLAND
STUDENT OPINION SURVEY
Sept. 1986

In answering any questions DO NOT give specific names or places. Give general information.

- All answers are strictly anonymous.
- Answer all of the questions as accurately and honestly as possible. If you can't find a response that expresses your true feelings, please just mark the answer that comes closest to your view. (Feel free to write out any feelings you have to explain your choice of an answer for such questions.)
- When you are finished, please return it to the person at the front of the room.

* * * * *

We are asking people on campus about concerns here at the University of Maryland College Park.

1. What are the major problems you personally have with things here at the University?

   1. _____
   2. _____
   3. _____

2. And what do you think are the major problems the University itself now faces?

   1. _____
   2. _____
   3. _____

3. Below is a list of concerns some people feel might be problems here at at College Park. How serious a problem do you think each of them is?

	VERY SERIOUS	SOMEWHAT SERIOUS	NOT VERY SERIOUS	Don't know
a. High tuition costs	3	2	1	8
b. Transportation to campus	3	2	1	8
c. Large classes	3	2	1	8
d. Parking	3	2	1	8
e. Crime	3	2	1	8
f. Drugs	3	2	1	8
g. Drinking	3	2	1	8
h. Bureaucratic hassles	3	2	1	8
i. Registration procedures	3	2	1	8
j. Lack of quality teaching	3	2	1	8
k. Lack of extra-curricular activities	3	2	1	8
l. Smoking cigarettes	3	2	1	8

4. Concerning people using drugs (excluding alcoholic beverages) on the UMCP campus

	STRONGLY APPROVE	APPROVE	DISAPPROVE	STRONGLY DISAPPROVE	Don't Care	Don't Know
a. How do you feel about people using drugs at UMCP?	1	2	4	5	7	8
b. How do you think other students feel about drug use on campus?	1	2	4	5	7	8
c. How do you think faculty members feel?	1	2	4	5	7	8
d. How do you think University administrators feel?	1	2	4	5	7	8
e. How do you think Government leaders in Annapolis feel?	1	2	4	5	7	8

5. Overall, how do you personally feel about drug usage (excluding alcoholic beverages)?: (CIRCLE ONE)

a. Drugs are okay to use any time
b. Drugs are okay to use once in a while
c. Drugs are okay to use on special occasions
d. Drugs are not okay to use anytime

6. Have you yourself personally seen people using drugs on campus?

NO 0 YES 1

b. Who used them? (students, faculty, staff, non students) (no names please) | Where? | What happened? | What were the circumstances?

1. _____ _____

2. _____ _____

3. _____ _____

c. Did you report this incident to any campus authority?

NO 0 YES 1 →

d. What authority?

1. _____
2. _____
3. _____

e. What did they do?

1. _____
2. _____
3. _____

GO TO QUESTION 7

f. If you were aware of an incident of someone using drugs, is there an authority or agency on campus that you feel it should be reported to?

NO 0 YES 1 ----- Who is that? _____

Any others? _____

g. If you were aware of an incident of someone selling drugs, is there an authority or agency on campus that you feel it should be reported to?

NO 0 YES 1 ----- Who is that? _____

Any others? _____

7. How familiar would you say you were with campus policies on drug usage?

1. VERY FAMILIAR 2. SOMEWHAT FAMILIAR 3. NOT VERY FAMILIAR

8. What do you understand the penalties in the Code of Student Conduct to be for:

(Put an x in each box that applies)	PROBATION	RESTRICTED ACCESS (FROM DORMS, ETC.)	SUSPENSION	EXPULSION	Don't Know
a. Possession of marijuana or hashish					8
b. Possession of cocaine and other prohibited drugs					8
c. Sale or distribution of prohibited drugs					8
d. Providing alcohol to someone under age 21					8

9. How aware do you think the University of Maryland authorities are of how much drug usage there is on campus?

VERY AWARE	SOMEWHAT AWARE	NOT VERY AWARE	Don't know
1	2	3	8

'0. As far as you know, when resident-life authorities find out about any violators of drugs (excluding alcohol), and controlled substances in the dorms, do they refer <u>all</u> violators, <u>some</u> violators, or <u>no</u> violators to local law enforcement authorities?

	REFER ALL VIOLATORS	REFER SOME VIOLATORS	REFER NO VIOLATORS	DON'T KNOW
a. For drug possession and use	1	2	3	8
b. For drug selling or or distribution	1	2	3	8
c. For repeat violation of drug possession or use	1	2	3	8

11. As far as you know, when university authorities find out about any violators (excluding alcohol) and controlled substance policies anywhere on campus do they refer <u>all</u> violators, <u>some</u> violators, or <u>no</u> violators to local law enforcement authorities?

	REFER ALL VIOLATORS	REFER SOME VIOLATORS	REFER NO VIOLATORS	DONT KNOW
a. For drug possession and use	1	2	3	8
b. For drug selling or distribution	1	2	3	8
c. For repeat violation and drug possession or use	1	2	3	8

12. Have you heard about any drug counseling services on campus:

	a. Heard of:		b. Have you ever used it:		c. How would you rate these services:			
	NO	YES	NO	YES	EXCELL-ENT	GOOD	FAIR	POOR
- Counseling Center	0	1	0	1	4	3	2	1
- Health Center	0	1	0	1	4	3	2	1
- Self-help groups	0	1	0	1	4	3	2	1
- Police-sponsored groups	0	1	0	1	4	3	2	1

13. Have you used any drug counseling services off campus?

NO	YES
0	1

14. Have you received any kind of drug education (in courses, lectures, presentations, etc.) since coming to UMCP?

NO	YES → Please describe each:
0	1

_____

_____

15. Assuming you wanted to, how easy do you think it would be for you to get the following drugs on campus:

	VERY EASY	SOMEWHAT EASY	NOT EASY	Don't know
a. Alcohol	3	2	1	8
b. Marijuana/hashish	3	2	1	8
c. Cocaine	3	2	1	8
d. PCP	3	2	1	8
e. Heroin	3	2	1	8
f. Amphetemines/ Barbiturates	3	2	1	8
g. Synthetic drugs	3	2	1	8

16. Where do you think UMCP students get the drugs they do use?

	ALMOST ALL OF THEM	MOST OF THEM	HALF OF THEM	SOME OF THEM	ALMOST NONE OF THEM	DON'T KNO
a. From students on campus	5	4	3	2	1	8
b. From students off campus	5	4	3	2	1	8
c. From non-students on campus	5	4	3	2	1	8
d. From non-students off campus	5	4	3	2	1	8

17. What proportion of UMCP students do you think have used (more than once) the following substances in the last 12 months?

a. Alcohol	0%	5	10	20	30	40	50	60	70	80	90	100%
b. Marijuana/hashish	0%	5	10	20	30	40	50	60	70	80	90	100%
c. Cocaine	0%	5	10	20	30	40	50	60	70	80	90	100%
d. PCP	0%	5	10	20	30	40	50	60	70	80	90	100%
e. Heroin	0%	5	10	20	30	40	50	60	70	80	90	100%

18. How do you feel about the following ways of controlling drug use on campus? use on campus?

	STRONGLY OPPOSE	OPPOSE	SUPPORT	STRONGLY SUPPORT	No opinion
Drug testing for					
a. All athletes	5	4	2	1	8
b. All students	5	4	2	1	8
c. All faculty	5	4	2	1	8
d. Campus police	5	4	2	1	8
e. Administrators	5	4	2	1	8
f. Coaches	5	4	2	1	8
How do you feel about					
g. Undercover investigation on campus	5	4	2	1	8
h. Mandatory expulsion	5	4	2	1	8
i. More counseling	5	4	2	1	8
j. More prevention services	5	4	2	1	8
k. Increasing student awareness of UMCP policies	5	4	2	1	8
l. Random Police Patrols of dormitory halls	5	4	2	1	8

PART B

B1. The following questions are about cigarette smoking and alcohol consumption.

B2. Which best describes your cigarette smoking in the last 12 months?

HAVE NOT SMOKED AT ALL	SMOKED ONCE OR TWICE	SMOKED OCCASIONALLY BUT NOT REGULARLY	SMOKED REGULARLY BUT STOPPED OR CUT BACK	SMOKE REGULARLY NOW
1	2	3	4	5

B3. Have you ever had any beer, wine or liquor to drink?

YES 1 ↓ NO 0 → (GO TO PART C)

B4. During the last 12 months, on how many occasions have you had alcoholic beverages to drink?

OCCASIONS IN LAST 12 MONTHS

0	1-2	3-5	6-9	10-19	20-39	40+

B5. On the occasions that you drink alcoholic beverages, how often do you drink enough to feel pretty high?

OCCASIONS IN LAST 12 MONTHS

NONE	A FEW	ABOUT HALF	MOST	NEARLY ALL
1	2	3	4	5

B6. Do you sometimes drink more than you should?

NO	YES	Don't Know
0	1	8

PART C

The next major section of this questionnaire deals with various other drugs. There is a lot of talk these days about this subject, but very little accurate information. Therefore, we still have a lot to learn about the actual experiences and attitudes of people your age.

We hope that you can answer all questions but if you find one which you feel you cannot answer honestly, we would prefer that you leave it blank.

Remember that your answers will be kept strictly confidential: they cannot be connected with your name or your class.

DURING THE LAST 12 MONTHS

		OCCASIONS IN LAST 12 MONTHS						
B7.	On how many occasions (if any) have you used marijuana, (grass, pot) or hashish (hash, hash oil)...	0	1-2	3-5	6-9	10-19	20-39	40+
B8.	On how many occasions (if any) have you used LSD ("acid")...	0	1-2	3-5	6-9	10-19	20-39	40+
B9.	On how many occasions (if any) have you used psychedelics other than LSD mescaline, peyote, psilocybin, PCP)...	0	1-2	3-5	6-9	10-19	20-39	40+
B10.	On how many occasions (if any) have you used cocaine (sometimes called "coke" or "crack")...	0	1-2	3-5	6-9	10-19	20-39	40+
B11.	Amphetamines are sometimes prescribed by doctors to help people lose weight or to give people more energy. They are sometimes called uppers, ups, speed, bennies, dexies, pep pills and diet pills. On how many occasions (if any) have you taken amphetamines on your own-that is without a doctor telling you to take them...	0	1-2	3-5	6-9	10-19	20-39	40+
B12.	On how many occasions (if any) have you used quaaludes, (quads, soapers, methaqualone) on your own-that is, without a doctor telling you to take them...	0	1-2	3-5	6-9	10-19	20-39	40+
B13.	Barbiturates are sometimes prescribed by doctors to help people to relax or get to sleep. They are sometimes called downs, downers, goofballs, yellows, reds, blues, rainbows. On how many occasions (if any) have you taken barbiturates on your own-that is, without a doctor telling you to take them...	0	1-2	3-5	6-9	10-19	20-39	40+
B14.	Tranquilizers are sometimes prescribed by doctors to calm people down, quiet their nerves, or relax their muscles. Librium, Valium, and Miltown are all tranquilizers. On how many occasions (if any) have you taken tranquilizers on your own-that is, without a doctor telling you to take them...	0	1-2	3-5	6-9	10-19	20-39	40+

P4. Is your current marital status

MARRIED	SEPARATED	DIVORCED	WIDOWED	SINGLE
1	2	3	4	5

P5a. Is your religious preference---

PROTESTANT	CATHOLIC	JEWISH	SOMETHING ELSE	NO PREFERENCE
1	2	3	4	5

Denomination_____ (describe)_____

b. Would you describe yourself as an evangelical, "born again" Christian?

NO	YES	Don't know
0	1	8

P6. In what year were you born? 19_____(year)

P7. Is your race?

WHITE	BLACK	OTHER_____
1	2	3 (specify)

P8. Are you: MALE 1 FEMALE 2

P9a. Are you currently living:

1. On campus (dormitory):____
2. Off campus: Are you living with: spouse____
   parents____
   other relatives____
   with friends_____
   living alone____

APARTMENT_____	PRIVATE HOUSE_____	FRATERNITY SORORITY____	SOMETHING ELSE_____

P9b. If you live off campus, about how long does it take you to come to the College Park campus by car?_____MINUTES

P10. Are you a member of a fraternity or sorority?

NO	YES
0	1

Any additional comments you would like to make?

THANK YOU FOR YOUR HELP!!

B15. On how many occasions (if any) have you used heroin (smack, horse, skag)...	0	1-2	3-5	6-9	10-19	20-39	40+
B16. There are a number of narcotics other than heroin, such as methadone, opium, morphine, codeine, demerol, paregoric, talwin and laudanum. These are sometimes prescribed by doctors. On how many occasions (if any) have you taken narcotics other than heroin on your own-that is, without a doctor telling you to take them...	0	1-2	3-5	6-9	10-19	20-39	40+
B17. On how many occasions (if any) have you sniffed glue, or breathed the contents of aerosol spray cans, or inhaled other gases or sprays in order to get high...	0	1-2	3-5	6-9	10-19	20-39	40+

B18. If you have ever used any of the above substances, when was your first experience? (CIRCLE ONE

a. junior high or before
b. high school
c. freshman year of college
d. after freshman year of college
e. have never used

B19. If you have never used any of the above substances or have not used them in the past year, what was your main reason for not using them? (CIRCLE ONE)

a. It's against the law
b. It's against my beliefs
c. Others disapprove
d. Hard to get
e. Concerns about physical health
f. Did not get desired effect
g. Had bad experience with drugs
h. Other

For this last group of questions, we would like to ask some general background information so that we may compare groups of people we survey.

P1a. First, are you a → FRESHMAN (1) SOPHOMORE (2) JUNIOR (3) SENIOR (4) OTHER (5)_____

P1b. How many credit hours are you signed up for this semester? _____CREDIT HOURS

P2. What is your current major field of study? _____

P3a. Are your overall grades averaging:

A's (1) A's & B's (2) B's (3) B's & C's (4) C's (5) C's & D's (6) D's (7)

P3b. About how many hours per week do you spend studying or doing homework?_____HOURS/WEEK

P4. Is your current marital status

MARRIED	SEPARATED	DIVORCED	WIDOWED	SINGLE
1	2	3	4	5

P5a. Is your religious preference---

PROTESTANT	CATHOLIC	JEWISH	SOMETHING ELSE	NO PREFERENCE
1	2	3	4	5

Denomination_____ (describe)_____

b. Would you describe yourself as an evangelical, "born again" Christian?

NO	YES	Don't know
0	1	8

P6. In what year were you born? 19_____(year)

P7. Is your race?

WHITE	BLACK	OTHER_____
1	2	3 (specify)

P8. Are you: MALE 1 FEMALE 2

P9a. Are you currently living:

1. On campus (dormitory):____
2. Off campus: Are you living with: spouse____
   parents____
   other relatives____
   with friends_____
   living alone____

APARTMENT_____	PRIVATE HOUSE_____	FRATERNITY SORORITY____	SOMETHING ELSE_____

P9b. If you live off campus, about how long does it take you to come to the College Park campus by car?_____MINUTES

P10. Are you a member of a fraternity or sorority?

NO	YES
0	1

Any additional comments you would like to make?

THANK YOU FOR YOUR HELP!!

SUMMARIES OF RESPONSES TO SURVEY CONCERNING ALCOHOL AND CONTROLLED SUBSTANCES POLICIES AND PROGRAMS

POLICIES ON STUDENT CONDUCT

Question 1) Please describe (or enclose a description of) campus policies on student conduct in relation to use of alcohol.

1. Alcohol at university functions: "Host" is responsible for ensuring observance of state law. Greek System: subject to state law; decision to serve liquor at Greek function is at discretion of the organization, however, enforcement of policy is responsibility of sponsoring fraternity or sorority; failure to comply will result in disciplinary action. Student Activities: Alcoholic beverages are not permitted at any on-campus event sponsored and/or funded by undergraduate organizations that are university funded; Graduate and Professional Student Association and College of General Studies, Student Government Council (evening school) may serve alcohol at their on- and off-campus events; alcohol will not be served to minors at any events.

2. Underage students may not possess or drink alcohol in the residences; no alcoholic beverages at undergraduate events; alcoholic beverages may not be consumed in public areas of campus. Policy is in accord with state law and violators are subject to disciplinary action.

3. Possession and consumption of alcoholic beverages on university grounds and facilities are prohibited unless specifically sanctioned. Violators are subject to arrest and disciplinary actions.

4. Possession and use of alcohol are prohibited on any university property and in undergraduate residence halls and Greek housing.

5. Alcoholic beverages may be sold, served, and consumed in designated areas (e.g., student pubs, etc.). They may be served and consumed, in accordance with state law, in private rooms in residence halls and Greek housing and in other campus facilities after permission is obtained.

6. Students of appropriate age are permitted use of alcohol in designated areas and at designated functions on campus.

7. Generally, persons 21 and older may purchase, possess, or consume beer and unfortified wines. These beverages are permitted in residence halls, designated outdoor locations, and in interior non-academic areas with proper permission.

8. Students must obey state laws concerning serving of alcohol to persons under 21. Campus regulations prohibit alcoholic beverages on university property except in guest rooms of union, married student apartments, and graduate housing. Residences and fraternities on non-university property may not serve alcohol at open events or if fee is charged. Alcohol may not be taken outside residence; e.g., on lawn.

9. All alcoholic beverages may not be possessed, distributed, or consumed on campus except where written approval is obtained in advance.

10. Use and possession of alcohol must adhere to state law.

11. Must comply with state law. Resident students of legal drinking age may consume alcoholic beverages in their residence hall room.

12. Must comply with state law. Guidelines for social events were provided.

13. Use, possession, and distribution of alcohol must comply with state law. If of age, students may consume alcohol in their rooms or the rooms of other adults of the residence halls. Adult graduate students and registered graduate student organizations may serve alcohol in facilities owned by the university if no monetary charge for admission and if function is not open to public. The use of university undergraduate student activity funds to purchase alcohol is prohibited. The university shall not impose disciplinary action on students or student organizations for the use, possession, service, or consumption of alcohol on university property other than that provided by state law.

14. University may initiate disciplinary action and impose sanctions for possession or consumption of alcoholic beverages by persons under 21 years, on university-owned or controlled property or at university-sponsored activities. Consumption or furnishing of alcoholic beverages by those or to those persons at least 21 years of age is permissible only in such areas as the President may designate.

15. Subject to state law, alcohol consumption is allowed in residence hall rooms and selected campus centers. On-campus sale, purchase, and/or serving are prohibited unless approved by the college.

16. The consumption of alcoholic beverages on the campus is prohibited by state statute except under special circumstances. The sale of cereal malt beverages to individuals is restricted to licensed spaces in the union. Cereal malt beverages may also be served at group events which are held in the union and which are approved by the University Events Committee. Cereal malt beverages may not be consumed in educational buildings or in university housing facilities.

17. No data provided.

18. Possession or consumption of alcoholic beverages by students or their guests on university property, or on the premises of university supervised housing is prohibited.

19. The sale and/or consumption of alcohol on campus are prohibited except for special events and activities where prior approval is obtained from the Office of the President.

20. None. Committee to develop policy this Fall.

21. Must conform to state law. Vice President for Student Affairs approves all public campus areas where alcohol may be served. Events involving alcohol are prohibited in and around the first-year student dormitories. Any university organization, as well as its leadership, is responsible for seeing that all state laws are observed.

22. The illegal possession or consumption of alcoholic beverages at university sponsored or approved events shall constitute misconduct.

The possession or consumption of alcoholic beverages in university living units (defined as residence halls, fraternities, sororities, or co-ops), on university property, or in buildings used by the university for its educational programs shall constitute misconduct.

23. Only students 21 years of age and older may possess or consume alcohol on campus. In the residence halls, residents of legal drinking age may consume alcohol in their rooms.

24. Alcoholic beverages may not be possessed, distributed, or consumed on university property except as authorized by the Office of Student Activities. Authorization will be consistent with local and state laws.

25. Alcohol may be consumed on university property at designated locations by students of legal drinking age.

    Alcohol may be possessed and consumed by all residents of legal drinking age in the privacy of the student's room and on student living floors in accordance with the approved policy of the house.

26. Violations of federal or state laws governing alcoholic beverages also constitutes an offense against the university community.

27. Within limits established by law and university policy, the choice of whether or not to drink and how much to drink is a matter for the student to decide.

28. Students may reasonably possess and consume alcoholic beverages in their residence hall rooms subject to local laws. In facilities of the undergraduate schools, consumption of alcohol by students is not permitted. Student organizations may serve alcohol at approved events subject to local laws.

29. The sale, service, possession and consumption of alcoholic beverages are regulated by federal, state, and local ordinances and by university regulations. The university regulations pertain to registering events, responsibilities of officers, use of student fees or departmental monies, and general rules about conduct of events.

30. Persons of legal drinking age may possess or consume alcohol only at specified areas on campus, at specifically approved functions, in their residence hall rooms, and in married or graduate housing units.

31. Consumption of alcohol is permitted on university property only by persons of legal drinking age and only within student living quarters, within designated limited access public areas of residence halls and on-campus fraternities and sororities, and within designated limited access areas elsewhere on university property.

32. Must conform to state law. Campus groups may serve alcoholic beverages without charge within their respective premises.

33. Generally, drinking, serving and/or sale of alcohol are not permitted in the public areas of the residence halls. Recreational rooms may in certain situations be reserved for group functions through the Office

of Residential Life. Drinking and open containers of alcohol must be confined to the privacy of individual rooms.

34. All students are subject to state and local laws pertaining to alcohol. No one may consume alcohol of any kind in public areas of residence halls including hallways and lounges. Minors may not possess, consume or transport alcohol at any time. Rooms where all occupants are underage may not have alcohol present in them at any time. A person of legal drinking age may only consume alcohol in the privacy of his/her own room. No multiquart containers or kegs are permitted at any time. No residence affiliated organization may sponsor an event in which alcohol of any kind is served.

35. The university regulates the time, place and manner of alcohol service and consumption on campus. Any sales must be handled by an appropriate university department. Individuals who live in university housing may possess alcohol in their private living areas as permitted by state statutes.

    Students who possess alcohol in violation of state statutes will first be warned and will face university disciplinary action for any subsequent violations. Students who provide alcohol to underage students will be warned initially. For subsequent violations the university will consider their suspension. Student organizations violating state statutes concerning service of alcohol will be warned on a first instance and will be suspended from all use of university facilities and denied all privileges generally accorded to student organizations for any subsequent violations.

    In all instances where individuals or groups violate state statutes concerning possession or service of alcohol, the university encourages appropriate police investigation and prosecution. University action is not used in lieu of prosecution by other authorities.

    Behavior, which occurs under the influence of alcohol and is in violation of state law, Administrative Code, or residence hall contractual agreements, results in disciplinary review and strong encouragement for the individual to reflect on his/her drinking choices and behavior and the offer of assistance. Behavior which occurs under the influence of alcohol, and is socially inappropriate and/or dangerous to the individual or others, but is not in violations of any state law or university regulation, results in a confrontation about the behavior, encouragement for the individual to look at his/her behavior, and the offer of assistance. In addition, in some cases the university requires students with apparent alcohol-related problems to seek assessment and treatment. Several university staff are available to help make an assessment and to assist students in finding treatment.

36. The possession or use of intoxicants other than beer or light wine is prohibited at all university functions and facilities.

    Other than state or local laws, there appears to be little regulation except in the residential halls.

37. Alcoholic beverages in or around the undergraduate residential units, except in rooms assigned to residents where the door is closed, or at authorized special events, are not permitted.

38. Policies enclosed only for the residence halls. The consumption of alcohol or open containers with alcohol is not permitted in the public areas (halls, lounges, dining room) of the residence halls.

39. Disorderly or lewed conduct associated with drunkness is prohibited on university properties or at official university functions.

40. Alcoholic beverages may not be served or consumed by students on campus except: Students of legal drinking age or older are permitted to drink alcoholic beverages in residence rooms or apartments and to purchase and consume alcoholic beverages in the restricted areas of the union. Certain rooms in residence halls may be used for social functions at which alcoholic beverages may be served, and alcoholic beverages may be served at cultural centers in accordance with regulations. Kegs are not permitted in student rooms in the residence halls.

Question 2) Please describe (or enclose a description of) campus policies on student conduct in relation to use of controlled substances (drugs).

1. Conduct code prohibits use of illegal substances by students.

2. The university neither permits nor condones possession, use, or sale of illegal drugs or narcotics. Violators are subject to university disciplinary procedures, as well as criminal prosecution. Dealing in narcotics and/or illegal drugs on campus will result in expulsion from residence hall system and in further disciplinary action.

3. University prohibits possession and use of illegal drugs. Individuals involved in the sale, use, or distribution of controlled substances are subject to arrest and university disciplinary action, which may include suspension or dismissal.

4. Students may be penalized for the possession or use (on campus) of illegal drugs or drug paraphernalia. Precedent dictates that students who sell drugs to other students will be charged with conduct that endangers the security of the university community and the integrity of the educational process.

5. Use, possession, and sale of psychedelic, hallucinogenic and/or narcotic drugs are illegal and unacceptable. Abuse of stimulants, depressants and nonprescription drugs is inappropriate. Possession, use, or delivery of controlled substances as defined by state law is a violation of the Code of Conduct and may result in expulsion or any lesser sanction.

6. State law precludes possession or use of controlled substances.

7. Laws of the state

8. Except as expressly permitted by law, use, possession, or distribution of narcotics or dangerous drugs is prohibited.

9. Possession and unauthorized use of drugs and narcotics are prohibited.

10. Use and possession of drugs must adhere to state law.

11. There are no separate or distinct policies on use of drugs. Unless prescribed by a physician, drugs are illegal.

12. Students subject to disciplinary action for use, possession, or distribution of narcotics or dangerous drugs except where permitted by law.

13. Policy on drugs not as well defined as on alcohol. The university does not condone the use, sale, or possession of illegal drugs and such activities may result in disciplinary actions such as suspension from the university.

14. University may initiate disciplinary actions and impose sanctions for illegal creation, processing, cultivation, brokering or possession of

controlled substances on university owned or controlled property or at university sponsored activities.

15. Illegal drugs are prohibited on campus.

16. No specific campus policy, only state law.

17. The university prohibits the sale, distribution, use, possession, or distribution of illegal drugs within the grounds, buildings, or other facilities of the university.

18. Use, possession or distribution of narcotics or dangerous drugs, such as marijuana and lysergic acid diethylamide (LSD) except as expressly permitted by law is prohibited.

19. The possession, transfer, use, sale, or purchase of any type of drug or narcotic is prohibited by law, unless prescribed by a physician.

20. "Use, possession, distribution, or being under the influence" is prohibited.

21. Unauthorized possession, use, manufacture, and distribution of narcotics, hallucinogens, and dangerous drugs, including marijuana and LSD are illegal under both federal and state Law. Students may be subject to prosecution by civil authorities for violation of these federal and state drug laws.

    The university cannot and does not condone the illegal possession, use, manufacture, or distribution of drugs by students. Students at the university who engage in illegal possession, use, manufacture, or distribution of drugs may be suspended or asked to withdraw from the university.

22. It shall constitute misconduct for any student to illegally be under the influence of, possess, distribute, or sell drugs at university sponsored or approved events, in university living units (defined as residence halls, fraternities, sororities, and coops) on university property, or in buildings used by the university for its educational programs.

23. A student found in possession of controlled substances would be subject to suspension from the college. Referrals are made to both on and off campus support agencies.

24. Use, possession or distribution of narcotics or illegal drugs on university premises or at university sponsored activities is unacceptable.

25. The illegal use, possession, or distribution of controlled substances on campus is prohibited.

26. Violations of federal or state laws governing drugs also constitutes an offense against the university community.

27. The university believes that the illicit and improper use, transfer, possession, and/or sale of illegal drugs are not in accordance with the educational goals of the university.

28. Possession of drugs or narcotics for sale, exchange, or transfer, or the sale, exchange, transfer or manufacture of drugs or narcotics is prohibited.

29. The university discourages and warns against abuse of controlled substances. Each college has particular policies relating to drug use.

30. Illegal possession, use, distribution, or manufacture of marijuana or controlled substances by students raises the question of a student's fitness to continue at the university. Disciplinary action may be initiated for any of the above violations.

31. The use, sale, or distribution of illegal narcotic drugs shall be cause for disciplinary measures including suspension or expulsion.

32. The improper use, possession, sale, or distribution of any controlled substance on university premises or at university sponsored activities is prohibited.

33. Possession, use, sale, and distribution on university property of illegal drugs or controlled substances are illegal.

34. State and federal laws and university policy prohibit the possession, use, distribution, or sale of marijuana and other narcotic drugs in the residence halls.

35. Students who violate state statutes regarding simple possession of prohibited substances are warned on a first instance and face disciplinary action (less than suspension) for a second violation. For students who are found selling prohibited substances, the university considers suspension in any instance. Several university offices are available to provide assistance to students seeking help with their drug use. The university actively offers information about the effects of drug abuse.

36. Possession and use of illicit drugs and controlled substances are contrary to university policy.

37. Use, possession, sale, or manufacture or attempted manufacture of narcotic or illegal drugs on university properties or at official university functions, except as expressly permitted by law, is prohibited.

38. Policies enclosed only for residence halls. The use or possession of illegal drugs in violation of federal, state, or local laws is prohibited in the residence halls.

39. Use, possession, sale, or manufacture or attempted manufacture of narcotics or illegal drugs on university properties or at university functions is prohibited except where expressly permitted by law.

40. The use of marijuana, LSD, hallucinogens, or other dangerous drugs or controlled substances will not of itself be regarded as an act calling for institutional disciplinary action. However, students who violate other sections of the Code of Student Life while under the influence of

these drugs will be subject to institutional disciplinary action on the basis of their offenses.

Hallucinogens are especially dangerous when administered to anyone without his or her knowledge. Any student administering marijuana, LSD, or any other dangerous drugs or controlled substances to any member of the University community without the latter's knowledge, or knowingly permitting others to do so, will be subject to disciplinary action, up to and including expulsion. This regulation is intended for the protection of innocent students and clearly involves a separable University interest. Consequently, it will be enforced independently of any criminal prosecution.

University property is not to be used for the unlawful manufacture, processing, or sale of marijuana, LSD, or other dangerous drugs or controlled substances. Violators are subject to disciplinary action, up to and including expulsion, and, in addition, may be reported to appropriate civil authories.

Question 3) How are these policies for student conduct enforced:

3a) in residential units/areas?

3b) elsewhere on campus?

1. 3a Residential Units. Residence Life directly confronts students, issues warnings or sends to judicial board and/or campus police.

   3b Elsewhere. Depending on type of infraction and seriousness, students may be warned and referred to judicial system, and/or campus police who have arrest powers.

2. Enforced through Dean of Students Office. Students may request hearing by Board of Student Conduct. Residence Hall violations are handled by the Director of Residence Life but may be appealed to the Dean of Student Life.

3. Report of abuses may involve disciplinary procedures within the residential facilities or in a university-wide judicial hearing board. There are instances where the student's behavior may be brought to the attention of the university police and subject to arrest.

4. 3a Residential Units. Enforced by residence life staff, elected student officers, Dean of Student's staff, and university police. On some occasions confidential informants are used by police in investigation of drug trafficking.

   3b Elsewhere. Enforced by Dean of Student's staff and university police. On some occasions confidential informants may be used by police in investigations of drug trafficking.

5. 3a Residential Units. Enforced through undergraduate resident advisors and by university police in serious violations.

   3b Elsewhere. University Police Department.

6. 3a Residential Units. By campus police and residence hall staff, usually including referral to the Office of the Dean of Students.

   3b Elsewhere. By referral through the campus police.

7. 3a Residential Units. By resident coordinators.

   3b Elsewhere. By campus police and officials.

8. University police and staff of the Dean of Student's Office.

9. 3a Residential Units. Residence hall staff and Director of Student Activities.

   3b Elsewhere. Campus police.

10. 3a Residential Units. Sponsor of event and resident hall staff.

3b Elsewhere. University police and administrator in charge of function.

11. 3a Residential Units. Joint responsibility of Residential Life staff and university police. Banquet permits for group alcohol service are not issued to students in residence halls.

3b Elsewhere. Banquet permits allowing alcoholic beverages must be approved by the Office of Vice President for Student Affairs. Both sponsor of event and manager of campus facilities are responsible for enforcement. Locations of alcoholic beverage services are subject to inspection by the facility manager, university police, and state liquor agents.

12. 3a Residential Units. Residence Life staff or Office of the Dean of Students.

3b Elsewhere. Vice President for Student Life or his/her designate.

13. No data provided except description of disciplinary system and its appeal process.

14. Any member of the university community, as well as non-university persons, can refer a conduct violation to the Conduct Coordinator for resolution as determined through due process proceedings described in the Conduct Code.

15. Campus Judicial System.

16. By resident assistants, and other residential staff or by police, if necessary. The Department of Student Life will handle violations of alcohol policy. Drug violations are referred to law enforcement agencies.

17. 3a Residential Units. There are clearly defined policies and sanctions in regard to substance abuse, use of illegal drugs and use of alcohol. Housing sanctions include:

1. Students can expect to have their housing agreement terminated for the distribution, sale, or manufacture of any illegal drug and for the use of cocaine; housing terminations may result from three violations of rules regarding use of alcohol or marijuana.

2. Students may be placed on residence halls probation for two violations of rules related to marijuana or alcohol use, and influencing others to violate rules related to possession and/or consumption of alcohol.

3. Students whose substance abuses are causing substantial alteration of their own behavior may be required to seek and accept treatment or counseling, in addition to other appropriate sanctions.

3b Elsewhere. Administrative sanctions for violations of university standards include, but are not limited to, warning, probation, suspension, and permanent expulsion. Violations of university standards may be referred to the Student Conduct Office by university

departments, faculty, students, or others. The Student Conduct Office has the authority to dismiss the case, take no further action than talking to the student accused, issue a university warning, place the student on probation, and/or impose other sanctions such as mandating counseling, requiring compensation for theft or damage, or placing stops on registration.

Violations which may warrant suspension or permanent expulsion are referred to the Student Discipline Committee (composed of three students and two faculty members) which may suspend or permanently expel a student from the university. The university routinely refers drug case information to the external authorities.

18. It is the responsibility of each organization to see that those in attendance conduct themselves in accordance with university regulations. An organized house such as a fraternity, sorority, or cooperative, shall be held responsible, as an organization for violations committed on the premises under its control.

19. 3a Residential Units. Not applicable, no units.

    3b Elsewhere. Campus police.

20. 3a Residential Units. Not applicable. No units.

    3b Elsewhere. Campus police would charge students. Normal judicial procedures would then be followed.

21. 3a Residential Units. A one-page attachment was provided on Resident Staff Policy with regard to alcohol use. Similarly, a Residential Drug Policy was provided on how staff members were to handle actual and suspected drug use. In all cases, the drug violation, or suspected violation, is reported to the Senior/Head Resident. All drug related offenses must be reported to the Area Chairman.

    3b Elsewhere. University police are contacted and follow their procedure and/or charges are filed with the University Judiciary Committee.

22. 3a Residential Units. By the Residence Director, the Coordinator of Residence Hall Administration, the Assistant Director of housing for Residential Education, and/or the Residence Hall Association Judicial Board if the incident involves student living in a residence hall.

    3b Elsewhere. By the Director of Greek Affairs or the Interfraternity Council/Panhellenic Judicial Board if the student is a resident of a fraternity or sorority. By the Director of Student Judicial Affairs or by the University Judicial Board if the incident involves students not living in either a residence hall or a fraternity/sorority house. The University Judicial Board also handles referrals from the residence halls and the Director for Greek Affairs.

23. 3a Residential Units. Resident assistants, area directors, and public safety officers.

    3b Elsewhere. Department of Public Safety.

24. Data not provided.

25. 3a Residential Units. Registration of parties where alcohol is to be served, monitoring by resident assistants and hall advisors, and discipline conferences and conduct hearings for violations.

    3b Elsewhere. Registration of activities where alcohol is to be served. Campus police and discipline conferences, alcohol assessments, and conduct hearings for violations.

26. 3a Residential Units. Housing Services.

    3b Elsewhere. By Campus Committee on Student Behavior (an all-university appellate board).

27. 3a Residential Units. Resident assistants, resident directors, student affairs officials, and campus security officials.

    3b Elsewhere. Student Affairs officials and campus security officials.

28. These policies are enforced through orientation, seminars, lecturers, distribution of literature, and disciplinary action, when warranted.

29. 3a Residential Units. Through the Dean of Students Office for each residential college, Residence Life staff monitors parties and social events to ensure compliance with policy.

    3b Elsewhere. Dean of Students Office.

30. 3a Residential Units. Residence hall staff, university police.

    3b Elsewhere. University police.

31. 3a Residential Units. Hall regulations and disciplinary process.

    3b Elsewhere. The Code of Conduct provides the judiciary process for imposing sanctions.

32. By student judiciary.

33. No data provided.

34. 3a Residential Units. Alcohol - Students written up for violating the alcohol policy are placed on probation for their first violation. The probationary period lasts for one calendar year. If a student has a second alcohol incident while on probation, it will result in termination of the student's contract. Drugs - Upon confirmation of a student possessing any amount of illegal drugs, the contract is terminated.

    3b Elsewhere. No data provided.

35. 3a Residential Units. Resident assistants are expected to report violations to hall directors. Any evidence or suspicion of sales of prohibited substances is reported to the Dean of Students Office,

which notifies university police. Students in residence halls are notified of this policy at the beginning of the academic year.

3b Elsewhere. The Dean of Students receives reports from university police, student union staff, etc. and takes appropriate action.

36. 3a Residential Units. By upperclass resident advisors and by full-time, live-in resident directors.

3b Elsewhere. Campus Security.

37. 3a Residential Units. By resident assistants. All violations must be documented and forwarded to the Assistant Director or Resident Coordinator for review.

3b Elsewhere. Student Conduct Code.

38. 3a Residential Units. Yes. For controlled substances and illegal drugs, the sale or purchase results in the termination of the student's housing contract.

3b Elsewhere. No. Other than housing, rely on police enforcement of local ordinances and state laws.

39. 3a Residential Units. In residence halls, students may be warned, placed on probation, or evicted for disciplinary reasons, including alcohol or drug abuse. Resident assistants are responsible for monitoring compliance with residence hall rules.

3b Elsewhere. Generally, the university police have jurisdiction for drug and alcohol abuse. In addition, the Office of Student Conduct would review disorderly conduct deriving from such abuse.

40. 3a Residential Units. Violation of residence services policies and procedures are heard through a system that has different levels of adjudication depending on the seriousness of an infraction. Minor offenses are handled in an educational fashion whereby staff members attempt to change an individual's misconduct by demonstrating how his or her conduct is counterproductive in a residential setting. More serious violations or repetitive infractions are adjudicated through a formal disciplinary structure that originates with the hall coordinator.

3b Elsewhere. No data provided.

Question 4) Please provide any information on the effectiveness of these policies on reducing alcohol abuse and use of controlled substances.

1. No data available. We do feel that the tightening of alcohol policies and the development of the alcohol registration in the residence halls; the elimination of all alcohol from the stadium; and the tightening of restrictions for student organizations and fraternities, all within the last five years, has helped to maintain a much more wholesome atmosphere.

2. A high federal official praised university in speech.

3. Do not perceive a major problem in drug abuse. No data provided on effectiveness of programs.

4. Use of a "total systems approach" combining prevention efforts in the form of educational programming and law/regulation enforcement. Unable to separate effects of just enforcement, but combined program has shown a reduction of alcohol-related vandalism, criminal conduct, injuries and deaths.

5. No comparison data are available.

6. No information currently available.

7. No data

8. Believe policies permit the campus to do all it can do legally.

9. There did not exist the need for an arrest resulting from the use or abuse of either alcohol or drugs during 1985/86.

10. There is no documentation available.

11. No data to demonstrate the effectiveness of these policies. There have been no instance where a function has been terminated because of alcoholic beverages.

12. No data available.

13. No data provided.

14. We do not believe that our current provisions in the Conduct Code effectively deal with the problem of chemical dependency among our students. It is also our belief that the use of alcohol and drugs is related to their accessibility. We have therefore stepped up our attempt to identify availability, use and the reporting of these to the Conduct Coordinator.

    When cases are reported there is a combination of sanctions and referral for assessment to treatment centers. Three treatment centers in our area are willing to give free assessments to students referred to them by our Conduct Coordinator. This plan has been in effect for the last six months.

15. No evaluation information is available.

16. The alcohol policy is new, implemented as result of the new state laws that went into effect July 1, 1985. There are no statistics at this time on its effectiveness, however there has been very little difficulty the first year. The general impression is that use of beer at campus events has decreased dramatically.

17. No data provided.

18. No data provided.

19. Data not available.

20. Not available.

21. There is less drinking in public because of new laws concerning drinking age. There is virtually no open use of drugs. The dorms have had a high success rate in reducing use in both these areas.

22. University is currently collecting this information.

23. During the 1985-86 academic year the college experienced a drop in the number of alcohol-related cases on campus. However, there was an increase in large off-campus parties where alcohol was available to underage drinkers. In regard to controlled substances, marijuana still seems to be the most prevalent drug on the campus. Reported cases of suspected hard drugs such as cocaine, heroin, LSD, crack, etc. are almost non-existent.

24. Data not provided.

25. In Fall, 1985, the university eliminated "open parties" within the Greek system and put limitations on the quantity of alcohol at events. This has reduced the incidences of vandalism and general alcohol abuse.

26. No data available.

27. No formal report has been done.

28. Appear to be effective since there are fewer incidents which are drug/alcohol related.

29. The amount of physical damage to residential housing facilities has been reduced. University police report a decrease in physical violence related to alcohol abuse.

30. No data provided.

31. No data provided.

32. Helpful in reducing undesirable behavior in residence halls, especially because of coordination with alcohol education program.

33. No data provided.

34. Alcohol - With the implementation of the alcohol policy, students have become very discreet about where and when they consume alcohol. The discretion has prompted students to have quieter, controlled social gatherings. Students are without question still drinking, but not in the free-for-all-everything-goes fashion as they did prior to the present policy.

    Drugs - It is difficult to determine the true effectiveness of the Residence Department's drug policy. However, an interesting aspect of the policy is that many students are concerned enough about the ramifications of drugs that they readily inform the Residence Department about suspected drug-related behaviors in the community.

35. We have no real way to measure precisely the effectiveness of policies in reducing alcohol abuse and use of controlled substances. We believe that clearly articulated university standards and active educational efforts offer our best hope at effective intervention. However, it is clear that the families from which students come and the large community of which the university is a part are more significant influences than the university itself in the use and abuse decisions made by students.

36. Not available.

37. Our present policy has been in effect for two years. During that time we have seen a marked drop in large parties involving alcohol and with increased and better reporting, there seem to be fewer behavioral problems. Although many students have violated the policy once, or even twice, very few students have violated the policy more than that. The combination of vigilant enforcement and effective administration of sanctions has contributed to the diminishing problems with alcohol.

    As far as other controlled substances are concerned, our policies have had mixed results. Since many times we are unable to prove a student has used a controlled substance (marijuana for example), we have had to rely on student testimony. This results in many students denying the charges and receiving no sanctions. On the other hand, since any student who is suspected of drug use is advised that the next suspicious incident will result in a call and/or visit by the university police, this has led to very few repeat offenses. So, in summary, although our policy has been somewhat ineffective in apprehending offenders, it seems to have deterred most use of drugs in the halls.

38. No data available.

39. No data provided.

40. No data provided.

CAMPUS DISCIPLINARY POLICIES AND PROCEDURES

Question 5) Please describe campus disciplinary policies and procedures:

5a) in relation to alcohol abuse.

5b) in relation to drug use.

1. 5a Alcohol Abuse. Minors forbidden use, in Conduct Code. Other policies summarize expectations. Violators can go to judicial system, lose privileges and/or face campus/city police.

   5b Drug Use. No separate policies

2. Investigation by the Dean of Students. The Dean may then impose sanctions. Students may then appeal to University Board on Student Conduct. No specifics given on alcohol abuse or drug use.

3. 5a. Alcohol Abuse. First offense generally results in warning that further behavior will result in resident hall suspension for resident students and university suspension for commuters. Counseling may also be recommended. For second offense student is requested to seek additional counseling and may be suspended from the residence halls or the university.

   5b. Drug Use. Action dependent on drug involved and attitude of student. Counseling may be suggested. If involved in sale or distribution, the student most likely will be turned over to the campus police.

4. For students charged with violations, a judicial conference is held before a judicial board (of peers) or a hearing officer (staff member). At this conference, if the student is found responsible for the violation, a tentative sanction is offered to the student. Students may accept the sanction or may ask for a formal hearing before the faculty-student Hearing Commission. These policies apply to both alcohol abuse and drug use.

5. A student found guilty of violations of the Student Conduct Code shall be subject to sanctions commensurate with the offense. Alcoholic beverage laws are spelled out in detail but nothing is said about drug use except "Possession, use, or delivery of controlled substance as defined in state statutes" is a violation of the Student's Code of Conduct.

6. After referral to the Office of Dean of Students by appropriate authorities, the student is summoned for a conference and given a choice of administrative disposition or a disciplinary hearing. Penalties are imposed promptly if administrative disposition is chosen; they of course must await the outcome of the hearing if that option is chosen. Process is same for both alcohol abuse and drug use.

7. Policies formulated in student judiciary system (not included with survey). No differences between alcohol abuse and drug use unless state laws involved.

8. Staff of the Office of the Dean of Students are responsible for the administration of formal disciplinary proceedings as well as informal administrative actions. The university police generally are empowered with the enforcement of state law and university regulations.

   5a. Alcohol Abuse. A violation of the university's policy prohibiting alcoholic beverages is not grounds in and of itself for instituting formal disciplinary proceedings against a student. Only specific acts such as dishonesty, theft, threatening conduct, physical abuse, use, possession, or distribution of drugs, or lewd, indecent, or obscene conduct are subject to disciplinary action. While informal administrative action may be taken against a student for violating the alcohol policy, a formal hearing is not held and no disciplinary penalty (disciplinary probation, probated suspension, suspension, expulsion) may be assessed.

   5b. Drug Use. Subject to disciplinary penalties which are instituted by the Dean's Office. If the Dean's Office imposes disciplinary penalties, the student may appeal then to the Campus Appeals Board.

9. Violation of campus regulations referred to judicial administrators. The judicial administrators may resolve the case or it may go to a Judicial Counsel.

10. Both alcohol and drug abuse on campus are controlled by state law. Any campus judicial action would be in conjunction with criminal charges. If the offense is referred to judicial affairs, it would follow the process of any other case, assuring due process rights and basing the decision on the weight of the evidence.

11. The Student Conduct Code prohibits activities that interfere with or disrupts university programs or activities. A student under the influence of alcohol or drugs could be charged with disrupting a university program. If alcohol or drug abuse is identified as a factor, counseling or other appropriate intervention would be pursued. With drug use, the additional possibility of legal charges are present if apprehended by the police.

12. University publishes guidelines for alcohol use. Responses of university are due to other violations while under influence of alcohol. There appears to be no written policy on drugs.

13. Student Standard Board has jurisdiction over alleged violations of student-made rules in university residences. The University Hearing Board has jurisdiction over alleged violations of the Code of Conduct referred to the Board by the Director of the Office of Conduct Standards. Students can appeal verdicts of these boards to the University Appeal Board.

14. Disciplinary policies and procedures are the same for both alcohol and drug abuse.

    In the residence halls a professional staff member (an area director) may have a discussion with a student guilty of a relatively minor violation. This option is used when the student admits his/her guilt. It allows the professional staff member to make an evaluation of the student and

the situation. It is used a great deal and facilitates behavior change in the student.

Area Standards Boards are composed of a group of housing students who are trained by the Conduct Coordinator to resolve relatively minor issues that the area directors refer to them. These groups can give a number of limited sanctions.

Cases reported to the Conduct Coordinator for resolution are the more serious or repeated violations. If the student admits his/her guilt or the evidence is conclusive, the Conduct Coordinator can put the student on disciplinary probation, can apply a Constructive Intervention Assignment, community service, restriction of privileges, or eviction from university housing. When a student is suspected of having an alcohol or drug problem, he/she is referred to one of our local treatment centers for a professional assessment and evaluation.

Formal Resolution is a process which is conducted by a local volunteer attorney. The hearing is much like a criminal proceeding where the university is represented by a third-year law student and the accused is also represented by a third-year law student. The hearing officers have the sanctioning authority to expel, suspend, place a notation on a student's transcript, and all the sanctions available to the Conduct Coordinator.

Fraternities and sororities have a system that is comparable to that of university housing. There are two professional Greek advisors who serve in a role comparable to that of the area directors in the residence halls. Student Tribunals also hear conduct cases referred to them by students or staff. The Greek advisers and the Greek Tribunals handle violations that concern whole chapter houses. Individuals who violated the Conduct Code are referred immediately to the Conduct Coordinator.

All of the students who are accused of violating the Conduct Code are referred directly to the Conduct Coordinator for resolution. Throughout this entire process, a student has the option of referring the case to the highest level of resolution, a formal hearing.

15. Varies according to the seriousness of the offense. Ranges from reprimands, community/college service, probation, suspension, to expulsion.

16. 5a Alcohol Abuse. In residence halls, minor violations are handled through verbal warnings. After the third violation, resident would encounter more severe sanctions which might include removal from the hall.

    The Department of Student Life would handle conduct matters when the offense results in a violation of the student conduct code or a university policy.

    5b Drug Use. Residence hall contracts state that students who violate the law are subject to disciplinary action. Drug use is referred to the university police.

17. See question 3.

18. The Student Conduct Committee, which is appointed by the Chancellor, has the authority to impose appropriate discipline upon any student appearing before it including probation, suspension, dismissal, and expulsion.

19. 5a Alcohol Abuse. Violations are referred to an appropriate vice president for disciplinary action.

    5b Drug Use. Any student found under the influence of drugs or narcotics, possessing and/or selling drugs and narcotics will be apprehended and detained by the campus police and turned over to the appropriate law enforcement authorities. In addition, violators will be immediately suspended and if found guilty, permanently dismissed from the college.

20. Disciplinary Conferences of full hearing boards may be convened.

21. 5a Alcohol Abuse. If a student's behavior is unacceptable as a result of the use of alcohol, that person would have his/her case turned over to the University Judiciary Committee. It would be investigated and a trial would occur. The sanctions range anywhere from oral admonition to expulsion. Most of these sanctions have to do with rehabilitative procedures.

    5b Drug Use. With any use of illicit drugs, university police are involved. Additionally, charges can be lodged through the University Judiciary Committee and the same procedures described in question 5a would be followed.

22. 5a, 5b Alcohol Abuse, Drug Use. The Directory of Student Judicial Affairs has the authority to impose sanctions of warning, restitution, probation and/or behavioral requirement or to refer the case to the University Judicial Board which has the authority to impose any of the preceding sanctions as well as suspension or expulsion.

23. 5a Alcohol Abuse. Violations will be handled via administrative hearings and the residence and college judicial boards. Possible sanctions include, but are not limited to, disciplinary probation for one calendar year, loss of campus housing, elimination of alcohol privileges for part of or an entire residence hall, and social probation for one calendar year.

    Serious or repeated breaches could result in dismissal from the college for an individual, the denial of facilities/services for student organizations, or the prohibition of drinking throughout the campus.

    5b Drug Use. Any resident who possesses, uses, or sells illegal drugs will lose the privilege of living on campus. Such action does not preclude legal prosecution of the individual.

24. There is a judicial system with appeals under the Vice President for Student Affairs.

25. The university has a series of judiciary courts that handle various violations (e.g., residence halls, Greek affairs). Verdicts from these courts may be appealed to the All-University Judiciary.

26. Alleged violations of rules or policies will be processed in the first instance by the college, department, administrative unit, or student organization adjudicative agent or body. A party in the discipline can appeal the decision to the all-university appellate body.

27. 5a Alcohol Abuse. Counseling to formal disciplinary action.

    5b Drug Use. Rehabilitative counseling to suspension depending on the facts of each individual case. In cases of sale or transfer of illegal drugs, criminal action may be taken.

28. There are judiciary boards for each of the schools or colleges and for the residence halls. Residence hall judiciaries may impose nonacademic probation, withdrawal of dormitory privileges, or restriction of social activities, or recommended to the Dean of Students the reassignment or removal of a student from the residence halls. The student may appeal the reassignment or removal to his or her school or college judiciary board. The school or college judiciaries can recommend to the dean of the college various sanctions including suspension or expulsion.

29. 5a Alcohol Abuse. Although specific sanctions vary for each residential college, some form of alcohol education and/or counseling has been incorporated into each of the procedures.

    5b Drug Use. Each college has separate policies relating to drugs. Sanctions would vary by nature of offense.

30. Cases originating in residence halls are handled by housing Judicial Board. Others are handled by Campus Discipline System. All serious cases are handled by Campus Discipline System. Most cases also are referred to an educational program at the health center, or a referral is made to the counseling or mental health units.

31. The Code of Conduct provides the judiciary process for imposing sanctions.

32. Upon the filing of charges against a student, the university may conduct an informal prehearing. If the facts of the case and the proper sanctions are agreed upon at the prehearing, an agreement is drawn up. If differences exist, the case goes to a hearing board.

33. Judicial Affairs Office, Office of Residential Life, Public Safety Department, and the University Center (which schedules and monitors student events involving alcohol).

34. 5a Alcohol Abuse. First violation - probation; second violation - termination of contract.

    5b Drug Use. Confirmed drug violations result in termination of contract.

35. 5a Alcohol Abuse. See question 1.

5b Drug Use. See question 2.

36. There is a judiciary council that reviews and recommends sanctions for violation of nonacademic rules.

37. Cases are first heard by the Dean of Students. If student and Dean can agree upon disposition of the case, the matter is settled. If no agreement is reached, the case is heard by the Student Conduct Committee.

38. Other than housing, rely on police enforcement of local ordinances and state laws. However, some professional schools have professional codes that cover drug abuse.

39. All alleged violations of campus regulations will be investigated by the Office of Student Conduct. This Office will resolve each case by dismissing the charges, reaching a settlement, or assigning the case for a formal hearing before the appropriate body.

40. See questions 1 and 2.

Question 6) Describe the standard penalties for the following offenses and the procedures to be followed if a student is charged with the offense:

6a) Simple possession of marijuana.
Penalties and procedures:

Estimated number of cases in 1985/86 _____

6b) Simple possession of other prohibited drugs, including cocaine.
Penalties and procedures:

Estimated number of cases in 1985/86 _____

6c) Distribution of prohibited drugs.
Penalties and procedures:

Estimated number of cases in 1985/86 _____

6d) Alcohol abuse.
Penalties and procedures:

Estimated number of cases in 1985/86 _____

1. 6a Marijuana. We do not have standard penalties/mandatory sentencing. Sanction depends on hearing officer or student panel's recommendation to Director of Residence Life or Vice President for Student Affairs. Previous record is introduced if guilt is determined. Probation common. Two cases in 1985/86.

6b Other Drugs. Procedures same as 6a) above. We would look rather harshly on "hard drug" activity/sales, possibly suspend on an interim basis pending a hearing. Certainly any sales activity would result in our asking for suspension or dismissal and persona non gratis immediately for any non-students (whom we feel have no right to be on campus if we do not want them around). No cases in 1985/86

6c Distribution. See 6b). Depends on recommended sanction, previous record. Again, we would tend to look very harshly on this, probably recommend suspension/dismissal. No cases in 1985/86

6d Alcohol Abuse. Depends on circumstances & previous record (if guilt is determined). Could just be reprimand or warning, some loss of residence hall privileges, removal from residence hall, probation. If deemed a personal problem, would be required to attend three-session seminar in Student Health Service with alcohol counselor and health educator. Seven cases in 1985/86. There were also 193 incidents in resident halls requiring staff intervention.

2. 6a Marijuana. University probation or suspension, depending on quantity. Twenty cases in 1985/86

6b Other Drugs. University probation or suspension or expulsion, depending on amount. Five cases in 1985/86

6c Distribution. Expulsion. Five cases in 1985/86

6d Alcohol Abuse. Residence eviction for repeated offense. Suspension for forgery of ID cards. Twenty cases in 1985/86

3. 6a Marijuana. For first offense a warning and referral for counseling. If individual uncooperative or unwilling to curtail usage, recommend mandatory counseling and/or possible university suspension. No estimate of cases

6b, 6c Other Drugs, Distribution. Arrest is most likely with suspension or expulsion if found guilty by an internal disciplinary hearing. No estimate of cases.

6d Alcohol Abuse. First offense generally results in warning that further behavior will result in resident hall or university suspension. Counseling may also be recommended. For second offense student is requested to seek additional counseling and may be suspended from the residence halls or university. Number of cases not known.

4. 6a Marijuana. All sanctions are individualized. Generally, first offense - disciplinary probation for one or two years; second offense - disciplinary probation for balance of university career or expulsion from university housing. Fifty to 60 cases in 1985/86.

6b Other Drugs. Same as 6a. Estimate 20 to 25 cases in 1985/86.

6c Distribution. All sanctions are individualized. Generally, suspension from the university for two to four years or expulsion. If transfer involves a gratuitous transfer of marijuana among friends, a lesser sanction would be common.

6d Alcohol Abuse. All sanctions individualized - violent acts or property damage would receive a more severe sanction than noise violation. Generally, first offense - reprimand or disciplinary probation for up to a year; second offense - disciplinary probation for balance of university career or expulsion.

5. There are no standard penalties for violation of the Student's Code of Conduct. Each incident is resolved on an individual basis.

In 1985/86 there were 75 cases of marijuana possession, two cases of other drug possession, no cases of distribution of drugs, and 73 cases of alcohol abuse.

6. 6a Marijuana. Referral to Dean of Students by campus police. Student is summoned and given the options in question 5 above. Penalties begin with warning or probation for one or two semesters. Repeat offenses usually involve more severe penalties. Ten cases in 1985/86.

6b Other Drugs. Similar to 6a. Disciplinary probation is more likely to be the penalty (rather than warning). If student is arrested, disposition will be through the courts. One case in 1985/86.

6c Distribution. Same as 6a. Possible suspension from school and probable criminal charges. No cases in 1985/86.

6d Alcohol Abuse. Same as 6a. Warning or disciplinary probation is customary penalty. Fifty cases in 1985/86.

7. No data.

8. All penalties depend on individual circumstances. First offense for possessing marijuana without other complications would probably result in a written warning. No data by type of drugs or distribution. For 1985/86 there were the following disciplinary action (probation, suspension, or expulsion): alcohol policy violation - 167, driving recklessly or while intoxicated - 40, possession, use, distribution of drugs - 39. In addition, alcohol was a factor in 69 other student disciplinary cases.

9. There are no standard penalties. Each case is heard by the Student Judicial Council and decisions are made on the merit of the case. There were no cases reported in 1985/86 for any of the alcohol or drug categories.

10. Information on drugs will not be available until some time in September.

6d Alcohol Abuse. There is no penalty unless the university police file charges. In judicial cases where behavior is the result of alcohol use, sanctions include a mandatory alcohol assessment and follow through.

11. There are no standard penalties. Each case is handled individually within the disciplinary process. There are no data on number of cases in 1985/86.

12. 6a Marijuana. Generally, first offense - a semester's probation plus five hours of community service, referred to Health Center for consultation; second offense - probation for student's tenure on campus plus ten hours community service; third offense - suspension for at least one semester. Four cases in 1985/86.

6b Other Drugs. No response, no cases in 1985/86.

6c Distribution. Generally, referred to Office of Public Safety. Very likely leads to suspension and referred to civil or criminal authorities. No cases in 1985/86.

6d Alcohol Abuse. Referral to University's Alcohol Awareness program. Fifty cases in 1985/86.

13. No data provided.

14. 6a, 6b Marijuana, Other Drugs. Disciplinary probation. There were no cases in 1985-86. Constructive Intervention Assessment may be required if the guilty person is suspected of having a chemical dependency problem. Constructive Intervention would mean referral to a treatment center for assessment and evaluation. Repeated offenders are referred for assessment and evaluation and are also subject to suspension or expulsion from the university.

6c Distribution. Requires a formal hearing and the university would recommend suspension for the first offense and expulsion for the second offense. There was one case in two years.

6d Alcohol Abuse. There were 47 cases in 1985/86 of conduct violations that were directly related to the use of alcohol and/or illegal drugs. None of these were reported as violations of those two parts of our Conduct Code. The university believes that the Conduct Code should be used as a means to intervene and help students who are experiencing problems with substance abuse. Help may be both in the form of a sanction for their behavior and a referral for help for their problem.

15. See question 5. No estimate of number of cases provided.

16. Drug cases are handled by the University Police Department. However, the university reserves the right to review court actions against a student after their case has been determined and to impose additional university sanctions.

There were seven drug cases investigated in 1985-86. Enclosed was a chart giving approximate fines and sentences for various misdemeanors and felonies.

6d Alcohol Abuse. Depends on circumstances -- penalty may range from verbal warning to removal from the hall/housing unit. Procedures in university housing generally are a hearing with a residence staff member, Judicial Board, or a housing administrator.

There were two cases of alcohol law violations (not counting traffic) and 22 persons were arrested for operating a motor vehicle while under the influence of alcohol.

17. See question 3. During past two years four students have been suspended for selling illegal drugs (suspensions ranged from one semester to five years) and four cases are pending. During 1983-84 term, 24 student residence hall agreements were terminated for alcohol or drug use. In 1983 the University Police Department made 25 arrests for sale or possession of drugs and 46 arrests for alcohol violations (41 of which were drunk driving).

18. No data provided.

19. See question 5. Estimated number of cases in 1985-86 was zero for all areas.

20. No standard penalties. Estimated number of cases in 1985-86 was zero in all areas.

21. 6a Marijuana. Penalties could range from oral admonition to expulsion. One case in 1985-86.

6b Other Drugs. Penalties could range from oral admonition to expulsion. The penalty would probably be harsher than simple possession of marijuana. No cases in 1985-86.

6c Distribution. Penalties could range from oral admonition to expulsion except university police involved and the possibility of police action plus judiciary charge. Penalties for distribution would probably be harsher. No cases in 1985-86.

6d Alcohol Abuse. Penalties could range from oral admonition to expulsion. If no infraction of the law occurred, the penalty would be the least harshest. In 1985-86 there were 5-6 cases.

22. 6a Marijuana. See question 5 for university procedure. Civil procedure: First offense - guilty of an infraction, receive a citation, fined $100, take part in a drug education course as ordered by the court. There were 20 cases in 1985-86.

6b Other Drugs. See question 5 for university procedure. Civil procedure: Lodged in jail, guilty of a class IV felony, maximum five years imprisonment or $10,000 fine or both. No minimum sentence. There were 12 cases in 1985-86.

6c Distribution. See question 5 for university procedure. Civil procedure: Lodge in jail, guilty of a class II felony, maximum 50 years imprisonment, minimum one year imprisonment. There were 11 cases in 1985-86.

6d Alcohol Abuse. See question 5 for university procedure. Civil procedure: No law in this State for public intoxication. Driving Under the Influence - 1st offense: License revoked for a period of six months plus a mandatory seven days imprisonment and a $200 fine. Minor in Possession: 60 days imprisonment and/or not less then $100 or more then $250. There were 100 cases in 1985-86.

23. 6a Marijuana. A Judicial Board Hearing with potential sanctions of contract termination, and/or restricted access, disciplinary probation, and social probation. Eight cases in 1985-86.

6b Other Drugs. A Judicial Board Hearing with the possibility of suspension. No cases in 1985-86.

6c Distribution. Judicial Board Hearing with the possibility of suspension or expulsion. No cases in 1985-86.

6d Alcohol Abuse. Administrative hearing. Serious or repeated abuses could result in dismissal from the College. Data on cases in 1985-86 are not available.

24. Does not distinguish among different types of violations. For all violations, after the student is given adequate information about the charges against him or her, a hearing would be set to provide an opportunity for the student to defend himself. Distribution of drugs would be regarded as a more serious offense then simple possession and would probably draw a harsher penalty. No estimate is available on number of cases of various types of violations.

25. 6a, 6b Marijuana, Other Drugs. First violation - conduct probation and/or referral for substances abuse assessment; repeated

violations - deferred or defined length suspensions. No cases in 1985/86.

6c Distribution. First violations - defined length or indefinite suspension. No cases in 1985/86.

6d Alcohol Abuse. First violations - alcohol assessment, alcohol education classes; repeat violations - conduct probation possible. There were 19 cases in 1985/86.

26. There are no standard penalties for the different offenses. Estimated number of cases in 1985/86 were marijuana possession, 10; other drugs possession, 10; distribution of drugs, 2; and alcohol abuse, 100.

27. 6a Marijuana. Counseling to formal disciplinary action depending on facts in case.

6b, 6c Other Drugs, Distribution. Disciplinary action taken. Criminal proceedings usually instituted.

6d Alcohol Abuse. Sanctions depend on facts in each case.

28. 6a Marijuana. If it is a very small amount, it is confiscated, destroyed, and the student required to perform community service. Such matters are handled informally with the participation and cooperation of the Security Office. There were four cases in 1985/86.

6b Other Drugs. In minuscule amounts, the penalty would be as described in question 6a. In larger amounts, the student would be subject to arrest. There were two cases in 1985/86.

6c Distribution. Members of the faculty, staff or student body who are involved in the distribution are summarily and permanently dismissed. There were two cases in 1985/86.

6d Alcohol Abuse. When conduct resulted primarily from intoxication, students were counseled and treated by medical authorities. There were four cases in 1985/86.

29. 6a, 6b Marijuana, Other Drugs. No university charges are applicable for simple possession. College charges may apply. Referral to counseling is the usual course of action. At times, in some colleges, dismissal from university housing is involved. No data on number of cases.

6c Distribution. A full university disciplinary hearing is convened. The college bringing the charge usually recommends either a period of suspension, usually one or two semesters, or expulsion, depending on severity of the situation. A counseling/rehabilitation program may also be a condition of the sanction. There were four cases in 1985/86.

6d Alcohol Abuse. A student infraction is handled in each college and results in a referral for evaluation to the Alcohol Assistance

Program. The number of cases involuntarily referred in 1985/86 was 36.

30. 6a Marijuana. Referred to disciplinary system. Reprimand or conduct probation. Approximately 25 cases in 1985/86.

    6b Other Drugs. Referred to disciplinary system. Reprimand or conduct probation. Approximately 25 cases in 1985/86.

    6c Distribution. Suspension or dismissal. One case in 1985/86.

    6d Alcohol Abuse. Referred to discipline system. Reprimand or conduct probation. Approximately 275 cases in 1985/86.

31. 6a Marijuana. Warning or probation. There were six to 10 cases in 1985/86.

    6b Other Drugs. Probation, referral to treatment. There were three to five cases in 1985/86.

    6c Distribution. Suspension or expulsion. There were two cases in 1985/86.

    6d Alcohol Abuse. Disciplinary probation, referral to treatment. There were 10 to 20 cases under the Code of Conduct and about 100 in the residence halls.

32. No data provided.

33. 6a, 6b, 6c Marijuana, Other Drugs, Distribution. Student would be arrested and go through court procedures. Student would also be referred to judicial procedures. There were three arrests in 1985/86 (14 in 1984/85) for possession and no arrests in 1985/86 for distribution.

    6d Alcohol Abuse. If for failure to enforce drinking age law, summons would be issued. Also refer to judicial board. There were 20-23 cases in 1985/86.

34. 6a Marijuana. Termination of housing contract. No cases in 1985/86.

    6b Other Drugs. Termination of housing contract. No cases in 1985/86.

    6c Distribution. Termination of housing contract. No cases in 1985/86.

    6d Alcohol Abuse. First violation - probation; second violation - termination of housing contract. There were 115 cases in 1985/86.

35. 6a, 6b, 6c Marijuana, Other Drugs, Distribution. See question 2. In 1985/86 there were 10 cases of marijuana possession, two cases of simple possession of other drugs, and two cases of drug distribution.

    6d Alcohol Abuse. See question 1. There were 50 cases in 1985/865 of alcohol possession or consumption in violation of university

regulations/state law. If one includes disciplinary action in which intoxication was a major factor, the number is approximately three times greater.

36. 6a, 6b Marijuana, Other Drugs. No standard penalties, each case is considered separately. In 1985/86 there were no cases of simple possession of marijuana and one case of possession of other drugs.

    6c Distribution. Residence Hall contract may be canceled, campus judiciary action taken, and referral to local police.

    6d Alcohol Abuse. Usually comes out in conjunction with violations of other rules and regulations. In addition to other sanctions, students may be referred to an Alcohol Awareness Seminar. There were 20 to 25 cases in 1985/86.

37. 6a, 6b, 6c Marijuana, Other Drugs, Distribution. Penalties and procedures: A student found guilty of possession or distribution of drugs in the residence halls is subject to exclusion from the hall for the remainder of the academic year. In addition, the case may be referred to the Dean of Students Office and/or the local police authorities. In 1985/86 there were 23 cases of marijuana possession and no cases for other drugs or for distribution.

    6d Alcohol Abuse. In the residence halls a second violation results in a minimum sanction of a written warning. For a third violation the minimum sanction is censure and participation in counseling assessment. A fourth violation results in a minimum sanction of exclusion.

38. Other than housing, rely on police enforcement of local ordinances and state laws. There were no cases reported in 1985/86 for any of the areas. However, some other incidents (e.g., destruction of property) were probably alcohol related.

39. These acts are generally administered by the university police through the criminal justice system. In 1985 the police reported 47 felony cases and 53 misdemeanor cases related to drug abuse.

40. Disciplinary sanctions are determined on a case-by-case basis. There are no "standard penalties." There were no cases reported in 1985/86 for any of the offenses.

Question 7) Do the penalties outlined above differ depending upon the location of the offense (e.g., dorm vs. parking lot)? If so, how?

7a) Does your campus distinguish between penalties for distribution of different types of drugs? If so, how?

7b) Would the outcome be affected if the distribution were for profit (sale)? If so, how?

1. Dorm vs Parking Lot. No.

   7a Type of Drugs. Not really. In practice, however, we would ask for tougher sanctions, probably suspension/dismissal for any distribution.

   7b For Profit. We would probably suspend this type of person on an interim basis pending a hearing. We would get rid of them one way or another.

2. 7a Type of Drugs. No. Expulsion for all.

   7b For Profit. No.

3. Dorm vs Parking Lot. Generally speaking, the penalties do not differ. However, the implications of dealing with offenders in the residence halls have a greater impact because of the community in which they live. The offenders would probably be removed if found guilty.

   7a Type of Drugs. No.

   7b For Profit. No.

4. Dorm vs Parking Lot. No.

   7a Type of Drugs. In theory, no, but officials have a wide range of latitude.

   7b For Profit. Sales would receive a greater sanction.

5. Penalties do not differ depending on location. Penalties are based on individual circumstances not on type of drug or method of distribution.

6. Penalties do not differ by place or type of drug. If distribution is for profit, penalty would be more severe.

7. Does not differ by place. No data for 7a or 7b.

8. Does not differ by place or type of drug. Distribution as well as sale is considered a serious violation.

9. The seriousness of the case is the primary consideration, not the location. As for drug distribution penalties, there have been none in

1985/86. If one had occurred, the result would have probably been suspension from the university for a specified period.

10. Dorm vs Parking Lot. If in dorm, handled internally by campus. If on university premises it violates state law.

    7a Type of Drugs. No.

    7b For Profit. Yes, a more severe sanction.

11. There are no differences in place of offense or type of drugs. Do not know if outcome is different for sale or profit.

12. 7. Dorm vs Parking Lot. No.

    7a Type of Drugs. No.

    7b For Profit. Have not addressed problem.

13. No data provided.

14. 7. Dorm vs Parking Lot. No.

    7a Type of Drugs. No. All drugs treated the same.

    7b For Profit. Yes. The sanction would be greater if found guilty.

15. Penalties would not differ by location of offense but would differ for different type of drugs and if the distribution were for profit.

16. No. Penalties for different types of drugs and whether for sale are not applicable since these are controlled by state law.

17. No data provided.

18. No data provided.

19. No for all areas.

20. Dorm vs Parking Lot. Not applicable.

    7a, 7b Differentiation of Penalties. Campus has had no experience with these problems.

21. Dorm vs Parking Lot. Yes. Offenses occurring in the dorms are reported and processed. If the offense occurred in the university football stadium or parking lot, it may not even get to the Judiciary Committee.

    7a Type of Drugs. Not had a case of this sort. Most likely it would depend on beliefs of student panel.

    7b For Profit. Unable to answer.

22. Dorm vs Parking Lot. No.

    7a Type of Drugs. No.

7b For Profit. No.

23. At present time a resident would loose only housing if a drug violation occurred in the residence halls. No distinction is made in penalties for different types of drugs or if distribution is for profit.

24. Dorm vs Parking Lot. No.

    7a Type of Drugs. No.

    7b For Profit. Data not provided.

25. Dorm vs Parking Lot. Yes. Would be handled by different judicial boards. In residence hall could be removed from dorm for repeated violations.

    7a Type of Drugs. No.

    7b For Profit. Yes. More severe sanctions possible.

26. Penalties do not differ by place, type of drugs, or if for profit.

27. Penalties do not necessarily differ with regard to place, distribution, or for profit but as to circumstances and facts of each case.

28. Dorm vs Parking Lot. No.

    7a Type of Drugs. No.

    7b For Profit. No.

29. Dorm vs Parking Lot. No.

    7a Type of Drugs. No.

    7b For Profit. No. Each individual charged is entitled to a hearing where the circumstances of the case would be evaluated.

30. Dorm vs Parking Lot. No.

    7a Type of Drugs. Hallucinogenics and addictive drugs would be considered more serious.

    7b For Profit. Sale or profit suggests a possible criminal connection.

31. Dorm vs Parking Lot. No.

    7a Type of Drugs. Yes, severity of sanctions.

    7b For Profit. No, but would certainty influence the Hearing Board.

32. Dorm vs Parking Lot. Yes. Parking lot disturbances would involve campus police.

    7a Type of Drugs. No.

7b For Profit. Yes. Penalties more severe and may involve criminal charges.

33. Dorm vs Parking Lot. No.

    7a Type of Drugs. No.

    7b For Profit. Yes.

34. Residence violations are both contractual and civil violations. Outside of residence halls are only civil.

35. An offense in a residence hall may result in eviction from the hall in addition to other university disciplinary action.

    7a Type of Drugs. No.

    7b For Profit. All reports of distribution have been reports of sales. See policy under question 2.

36. Dorm vs Parking Lot. No.

    7a Type of Drugs. No.

    7b For Profit. Unknown.

37. 7a Type of Drugs. Within residence halls, there is little differentiation in sanctions. If guilty of distribution of any drugs, it would be more likely referred to Dean of Students and Police Department.

    7b For Profit. No.

38. Dorm vs Parking Lot. Yes. University rules apply only to university housing.

    7a Type of Drugs. No.

    7b For Profit. No.

39. Cases would be referred to the Office of Student Conduct for investigation. See question 5.

40. Sanctions are determined on a case-by-case basis.

Question 8) Does your campus assume any jurisdiction for off-campus behavior of students, including incidents when students are charged with a criminal offense off campus?

1. We have been known to apply jurisdiction for "carry-over" incidents which are known to have begun on campus. Of course, any sponsored organizational activity is within our scope or review. We would consult with legal help if concerned.

2. Campus police intervene when necessary. Possible disciplinary action.

3. No. The public relations implications and effect on community relations requires that certain offices work closely with community groups and agencies when students are involved in off-campus incidents. It is made very clear that the university cannot take jurisdiction over its students off campus anymore than another organization can be responsible for its employees in the conduct of their private lives. We do cooperate with local groups and agencies in assisting and resolving problems.

4. University will take disciplinary action against students for off-campus actions if (1) they are a part of a university activity or a university organization activity, or (2) "provided that the offense is related to the security of the university community or the integrity of the educational process." In practice, charges are filed against students who sell drugs off-campus to other students.

5. Yes.

6. No, except if incident is during a university sponsored event or if student is officially representing the university.

7. No.

8. Will take action for off-campus behavior of students when action threatens the health and safety of others or when drugs are involved.

9. No.

10. No.

11. No.

12. Generally, no.

13. No data provided.

14. No. However, the Greek houses are construed as being on-campus facilities in terms of intervention when problems occur.

15. No.

16. No.

17. No data provided.

18. No data provided.

19. Only in relationship to college sponsored activities.

20. No.

21. No, however, if any standard is breached that interferes with the university reaching its proper educational purpose, it may well be that the university would assume jurisdiction.

22. Only if there is a university interest involved.

23. Only if the return of the student poses a threat to the college community.

24. No.

25. Generally no. Action by university possible if violation has impact on institution.

26. No.

27. Yes, violations of published regulations of other institutions or of local laws when visiting other universities will fall under the jurisdiction of the university's adjudication system.

28. Yes.

29. Generally not. unless the case was serious and involved others of the university community.

30. Yes.

31. With major crime we could take action.

32. Not directly, except for legal advice through Legal Services Office.

33. No. Campus police do investigate off campus for on-campus incidents.

34. No.

35. In cases of drug sales or other activities representing physical danger to members of the university community, the university would take jurisdiction for incidents occurring in the "near campus" areas without regard to a criminal charge. For serious incidents both on and off campus it would be usual for a student to face both university disciplinary action and a criminal charge.

36. No.

37. Yes, if behavior occurs at an official university function.

38. No.

39. The university has jurisdiction for off-campus behavior in specifically defined areas adjacent to the campus.

40. No, unless the off-campus event is directly related to university activities.

Question 9) If a student is arrested for a crime on campus, is disciplinary action normally deferred until after criminal proceedings are conducted?

1. Absolutely not - we make them get a subpoena or sue us first. We have jurisdiction - why surrender it?

2. Yes, except in cases where student is deemed dangerous to campus.

3. It is our intent to take whatever disciplinary action is warranted by the circumstances as soon as practical. However, students involved in criminal proceedings off campus have petitioned that the campus action be deferred until their criminal case has been resolved. Permission is granted in most instances to their requests. However, if there appears to be undue delay in resolving the outside criminal proceedings, the university may choose to move ahead with its internal procedures without waiting for a resolution to the external charges. It has been our observation that in most cases involving students and the courts off campus, they would very much like to know what action the university is taking in these matters as they consider their penalties.

4. Not unless referral is requested by the prosecuting attorney to protect the identity of a confidential informant.

5. No.

6. Yes.

7. Yes.

8. No. Take action on basis of own regulations as quickly as possible. Civil or criminal proceedings are not a factor.

9. Each case is reviewed separately and decisions based on severity of crime and potential for harm to individual or community.

10. Yes.

11. Not necessarily. A student's criminal act could also disrupt university activities. Campus action would then proceed simultaneously with court action.

12. Yes.

13. No data provided.

14. No. The university tries to proceed in a parallel way to criminal proceedings and resolve the accusations based on its code and standards rather than on criminal law. However, in certain situations the university would defer its process until the criminal process is concluded.

15. No.

16. Yes. However, if the violation of law occurs on campus and is also a violation of a published university regulation, the university may institute its own proceedings against an offender who has been subjected to civil prosecution only if the university interest involved is clearly distinct from that of the community outside of the university. Ordinarily, the university would not impose sanctions if public prosecution continued until after the law enforcement agencies had disposed of the case.

17. No data provided.

18. No data provided.

19. No.

20. No.

21. This depends on who makes the complaint and when they make it. If the university police are to testify, most likely it would be after criminal proceedings. Records from the Judiciary Committee can be subpoenaed by the courts. For that reason, certain cases would be deferred.

22. If there is a violation of the Student Code of Conduct, the university can take action without waiting for the court to take action.

23. No.

24. School gives contradictory answers. On survey answer is "yes." Code of Conduct states "Disciplinary action at the University would proceed pending criminal proceedings."

25. Yes, but does not have to be delayed.

26. Normally, yes.

27. Disciplinary probation is usually imposed immediately. More severe sanctions may later be imposed or lifted after the criminal proceedings are concluded.

28. Yes.

29. No.

30. No.

31. Yes, unless presence on campus is a threat to others.

32. Discipline action may take place before or concurrently with criminal action.

33. Yes, except in cases of clear and present danger, student may be suspended pending court case.

34. No.

35. University action is normally deferred at the request of the student until criminal proceedings are concluded. However, any eventual university action ordinarily is retroactive to the date of the incident and the university may require special arrangements to protect the community while the case is pending.

36. Yes.

37. Yes, however, "criminal proceedings" do not include appeals; and the delay must neither be dilatory nor unreasonably compromise the position of the university.

38. No.

39. The university does not have to defer to criminal proceedings before initiation of disciplinary action.

40. Yes.

Question 10) What is the role of campus and/or local law enforcement in relation to alcohol and drug use?

10a) What coordination if any is there between campus law enforcement and local, state, and/or federal law enforcement agencies?

10b) Are there any formal arrangements for coordination among these agencies and campus law enforcement?

1. We work closely with campus police, they have the usual ties with local officials, no better but probably no worse. No one but the campus police interface with local authorities.

   10a. Coordination. They share on a need-to-know basis. We usually hear late in the process if they are on to something, sometimes not at all if they are just monitoring something or an agency (such as the feds) tells them to keep quiet.

   10b Formal Arrangement. I do not think we have any formal/written understanding, so much as we use standard campus police contacts, understandings of overlapping jurisdiction, common sense cooperation, and follow the law ourselves.

2. Campus police actively involved in law enforcement on campus.

   10a Coordination. Campus police work closely with civil agencies.

   10b Formal Arrangement. No response.

3. The university and local law enforcement agencies to the extent that we are legally capable work closely in matters related to alcohol consumption and drug abuse.

   The coordination of the efforts from the university is through the campus police staff and local law enforcement agencies by use of written agreements or informal understandings as to procedures related to handling matters on campus.

4. The various law enforcement agencies cooperate with each other and from time to time special task forces are established to coordinate law enforcement.

5. Campus police function in the traditional role of a law enforcement unit. They coordinate their services with other law enforcement agencies when appropriate. They participate in joint task forces for drug enforcement and have formal arrangements in same areas.

6. Referral to Dean of Students for minor violations. Otherwise, students taken to county jail and charges pressed.

   10a Coordination. Campus police refer violations of local, state, or federal laws to local authorities.

   10b Formal Arrangements. None in the sense implied in this question.

7. Role of campus police is "normal duties."

   10a Coordination. As needed.

   10b Formal Arrangements. No data

8. University police enforce university regulations. City police enforce city and state ordinances. Law enforcement agencies work closely, particularly in drug cases. All enforcement agencies back each other up as needed. University police, as they are able, patrol areas adjacent to the campus that are heavily populated by students.

9. Campus sets terms for alcohol use on campus. Abuse of drug policy automatically involves local law enforcement agencies. The campus police work with other law enforcement agencies on alcohol abuse and drug use but there are no formal arrangements.

10. University police make an arrest if action violates state law. They also file charges with Campus Judicial Affairs. There is coordination with drugs and crime prevention. No formal arrangements.

11. University law enforcement officers may arrest students and others who break the law on campus. Students who commit criminal acts off campus are arrested by municipal police and charged in local courts. In the case of alcohol, on-campus cases are not numerous. We have no general student data on arrests for the possession or use of controlled substances.

12. Campus police enforce all local laws and university regulations in regard to alcohol and drugs. Campus police coordinate actions with local police and sometimes request their assistance. There is frequent contact with federal agencies and local police to the present drug use in the city. There are formal arrangements with other law enforcement agencies.

13. No data provided.

14. They report, identify, arrest, investigate and collaborate with the Conduct Coordinator both informally and formally in the process of carrying out their law enforcement roles.

    10a Coordination. There is excellent coordination among campus security, local law enforcement, the Conduct Coordinator and the Dean of Students' Office. There is the normal communication and coordination between the municipal police force, the state police and the federal agencies responsible for enforcing drug and alcohol laws.

    10b Formal Arrangements. Yes, there is a local police officer assigned to the campus and he/she works directly with the campus security office and the Dean of Students' Office.

15. No data provided.

16. Any incident involving alcohol or controlled substance use which comes to the attention of the campus police and which constitutes a violation

of either state law or municipal ordinance will be considered a criminal matter and will be handled as any other criminal incident.

10a, 10b Coordination and Formal Arrangements. The campus police routinely cooperate with other area law enforcement agencies in both criminal and non-criminal matters.

17. The University Police Department is responsible for enforcing the law, including those related to drugs and alcohol. The University Police conduct criminal investigations, make arrests, refer cases to the Student Conduct Office or other appropriate departments, and cooperate with other law enforcement agencies.

18. No data provided.

19. No data provided. See question 5b.

20. May apprehend, arrest, and charge.

10a Coordination. Close contact maintained with city police.

10b Formal Arrangements. None.

21. The University Police Department investigates the violation of all state laws, including drug and alcohol laws. In the past, the department has initiated drug investigations involving violations among diverse segments of the university population ranging from residential students to medical center personnel. The department has been an active participant in the Federal Drug Task Force investigating drug sales in our area. The department has an investigator specifically assigned to investigate drug activities.

The University Police Department has been active in providing a flexible response to alcohol problems. The response has varied from seeking medical intervention to referrals to the University Judiciary Committee, to formal arrest. The department was the only university department in the state to receive a grant to provide selective enforcement of the D.U.I. laws. This department provides seminars, demonstrations, and educational materials relating to alcohol problems and their recognition. The department has worked with the Alcohol Beverage Commission to ensure that university events conform to A.B.C. regulations.

10a Coordination. The University Police Department coordinates programs and investigations with other agencies whenever it's appropriate. The University Police Department is an active participant in the Federal Drug Task Force investigation of the illegal drug business. When appropriate, they have also invited the State Police to participate in drug investigations. Information is frequently shared between members of the local departments.

10b Formal Arrangements. The Federal Drug Task Force is currently coordinating drug investigations in this area. Members include the University Police, other local departments, the State Police, the F.B.I., the I.R.S., and other local and federal agencies.

Other cooperation between local departments is on an informal basis.

22. Campus police work closely with the city police as well as with appropriate people within the university, i.e. Residence Hall Director, Director of Student Judicial Affairs, Community Health Coordinator, etc.

10a Coordination. The university police have excellent rapport with local law enforcement. Police are members of a county-wide task force along with three other agencies to combat drug-related crimes. This has also included federal agencies from time to time.

10b Formal Arrangements. Part of the task force (see question 10a) requirement is a formal agreement to which all member agencies agree. This agreement provides for funding and personnel for drug related investigations.

23. The campus police investigate all illegal activities involving drugs or alcohol. Alcohol and drug violations are referred to the College Judicial Administrator. Arrests may be made by campus police for possession of any drugs, including quantities of marijuana or for distribution. Local law enforcement may be called in for a prolonged investigation or when investigation extends both on and off campus.

The campus police have formal arrangements with local police agencies to assist with certain incidents under certain circumstances.

24. Campus police and local law enforcements agencies have a close working relationship.

25. Campus police may be called in to enforce university alcohol and drug policies on campus.

10a Coordination. Cooperate extensively on alcohol and drug matters concerning the university.

26. To help enforce laws on campus.

10a Coordination. Some.

10b Formal Arrangements. Yes, especially relating to fraternities and sororities, which are technically off campus.

27. The university and local police work closely together to address problems and to handle specific cases.

10a Coordination. When necessary to conduct investigations, to share information, etc.

10b Formal Arrangements. Yes, through various associations, organizations, data bases, frequent meetings, etc.

28. It is minimal. Such students, by arrangement with local authorities, are referred to student affairs officials.

10a Cooperation. Moderate.

10b Formal Arrangements. No.

29. Some cooperation.

30. Campus discipline office enjoys a cooperative relationship with campus police and local police department.

    10a Coordination. Excellent coordination among agencies.

    10b Formal Arrangements. Yes.

31. Educational and cooperation.

    10a Cooperation. On national and state computer system.

    10b Formal Arrangements. Yes.

32. Students are treated as adults, responsible for abiding by laws and rules, i.e., law enforcement is used when indicated.

33. Campus police enforce the law.

    10a Coordination. Work very closely with state and local police. State and local police come to campus by invitation.

    10b Formal Arrangements. Yes. Signed agreements with state and local police.

34. Any person using alcoholic beverages at any time on the campus is responsible to civil and university authorities for compliance with the law.

    10a Coordination. Coordination of criminal intelligence and records information.

    10b Formal Arrangements. Yes.

35. University and city police investigate allegations on and off campus. Most often university disciplinary action is based on reports of police.

    10a Coordination. University police have full police powers and participate as active members in area drug enforcement teams.

    10b Formal Arrangements. Yes. There are a variety of formal arrangements, including drug enforcement.

36. Mostly control, some education.

    10a Coordination. Cooperation in investigations, support educational programs.

    10b Formal Arrangements. Nothing in writing.

37. No data provided.

38. Normal police activities of enforcing state and local laws.

10a Coordination. University cooperates with narcotics enforcement efforts. It participates in a multi-county police units narcotics enforcement.

10b Formal Arrangements. University has an agreement with the local police department by which the university pays for service.

39. No data provided.

40. 10a Coordination. Campus security operates in conjunction with city and county law enforcement upon request.

10b Formal Arrangements. No.

CAMPUS PROGRAMS

Question 11) What counseling services are provided on campus for students in regard to:

11a alcohol use?

11b drug use?

11c For which categories of students are counseling services provided (e.g., residential students, students in fraternities/sororities, commuters, etc.)?

11d How many students used each of these types of services during the 1985/86 academic year?

Alcohol counseling _____

Drug counseling _____

11e Which groups sponsored these counseling services?

11f Who is responsible for the alcohol/drug counseling (e.g., health center, counseling office)?

11g How much campus funding was available for these programs in FY 86?

Alcohol counseling _____

Drug counseling _____

1. 11a Alcohol Use. Our student health service and counseling center have a person who works approximately half time on alcohol/substance abuse counseling and networking. We had a support group for sons/daughters of alcoholic parents at one time. There are help opportunities available through special community programs administered on campus.

11b Drug Use. See 11a. There are probably also special treatment programs open to members of the campus community from time to time through our medical school or psychiatric center, which has several drug/alcohol grants.

11c Categories of Students. Open to all students.

11d Number of Students. About 13 for alcohol counseling, and about 6 for drug counseling.

11e Sponsors. Student Health Service and Counseling Center. Have no idea how many students may have been treated, if any, in medical school, psychiatric institute and clinic.

11f Responsibility. In Student Affairs Division: Director of University Counseling and Student Development Center, and Director of Student Health Service.

11g Funding. About $30,000 for both areas in Student Affairs.

2. 11a Alcohol Use. Campus counseling center and campus ministry.

11b Drug Use. Student Health Service

11c Categories of Student. All

11d - 11g Number of Students, Sponsors, Responsibility, Funding. No data provided.

3. 11a, 11b Alcohol Use. Individual counseling and referral.

11c Categories of Student. All

11d Number of Students. No statistics on these categories. Of the 500 - 600 students seeking personal counseling because of substance abuse, most are for alcohol abuse.

11e Sponsors. Counseling Center.

11f Responsibility. Counseling Center on personal issues, Health Services on medical issues.

11g Funding. No money specifically allocated for these counseling activities.

4. 11a, 11b Alcohol Use, Drug Use. The Alcohol Information Center provides a Student Assistance Program to help students identify alcohol and other drug problems and to assist them in finding suitable treatment or other intervention assistance. Many of the referrals are made to the Counseling and Psychological Services unit of our Student Health Service. Additional services are provided by several other campus units.

11c Categories of Students. All are eligible.

11d Number of Students. 150 to 175 for alcohol counseling and 50 to 75 for drug counseling.

11e, 11f Sponsors, Responsibility. Services were provided by the Student Assistance Program of the Alcohol Information Center (Dean of Students Division) and by the Counseling and Psychological Services - Student Health Service.

In addition, the following support groups operate on campus and/or in the community: Alcoholics Anonymous (8 groups), Al-Anon Family Groups, Alateen, Women for Sobriety, Narcotics Anonymous.

11g Funding. Since the services were provided by existing staff, exact figures are not available, but approximately 2.5 FTE were used. Estimated cost is about $80,000.

5. 11a, 11b, Alcohol and Drug Use. Individual and group counseling.

11c Categories of Students. All

11d Number. Data not available.

11e, 11f Sponsors, Responsibility. Campus Alcohol and Drug Resource Center, University Counseling Center, Student Mental Health.

11g Funding. Data not available.

6. Student Health Center Alcohol Awareness Workshops, Seminars. Counseling Center has similar programs as well as more formalized individual and group sessions. Student Association offers DARE (Drink Alcohol Responsibly Everywhere). Alcohol Awareness Committee coordinates several such activities. Most formal counseling is tailored to the specific needs of a given student, ranging from information sessions to psychiatric services. Services are available to all students. No data are available on number of students or funding.

7. No reply.

8. Shared responsibilities of Mental Health Services, Psychological Services Center, Dean of Student's Office, and a peer counseling program. Services are open to all students. No information available on students served or funding.

9. 11a, 11b, 11c Alcohol Use, Drug Use, Categories of Students. Individual and group counseling are available to all students.

11d Number of Students. There were 8 individual sessions and 24 in group counseling. Alcohol and drugs were dealt with in each session.

11e Sponsored. Residence Life Program.

11f Responsibility. Counseling office.

11g Funding. Handled in regular budget.

10. 11a Alcohol Use. Provided a list of seven organizations that provided counseling. See example 4 in material. On survey form only mentions Chemical Escape Group.

11b Drug Use. Chemical Escape Group.

11c Categories. All students.

11d Number of Students. Ten in Chemical Escape Group.

11e Responsibility. Combined effort of Counseling and Consultation Service and of University Health Service.

11f Funding. Funding is by department. Cannot give estimate for individual counseling for a specific user.

11. Counseling is available to all students for alcohol and drug use through the University Counseling Center. Informal counseling assistance is available through the residence hall staff, Student Activities Office and the Health Center. No data are available on number of students counseled or on funding.

12. All registered students may seek individual therapy through the University's Counseling Center. Statistics are not available on number of students counseled or funding for just alcohol and/or drug abuse counseling.

13. No data provided.

14. 11a, 11b Alcohol Use, Drug Use. Although the campus does not have a special alcohol or drug counseling service, the Student Health Center, the Counseling Center and the Dean of Students' Office serve as sources of intervention and referral for students experiencing problems with alcohol and drugs. There is an excellent relationship with local treatment centers in that they will provide free assessments for our students and in some cases provide free counseling on alcohol and drug issues on a limited basis.

    11c Categories of Students. All students are treated the same.

    11d Number of Students. No records kept on either alcohol or drug counseling.

    11e Sponsors. The Dean of Students' Office, the Counseling Center and the Student Health Center.

    11f Responsibility. Student Health Center, Counseling Center, Student Services Office, Dean of Students' Office. Dean of Students' Office coordinates the assistance we give in substance abuse area.

    11g Funding. No funds were specifically dedicated to these services in 1985-86.

15. 11a Alcohol Use. Individual counseling, Student Alcoholics Anonymous chapter.

    11b Drug Use. Individual counseling.

    11c Categories of Students. All.

    11d Number of Students. Alcohol - 25 students (not including AA), Drug - 6 students.

    11e, 11f Sponsors, Responsibility. College Counseling Center is provided by college. AA is self-supported.

    11g Funding. No specific funding.

16. Counseling services are provided to all students by the University Counseling Center, Student Health Service (Mental Health Clinic), and Student Assistance Center. There are no statistics available on number counseled or specific funding.

17. Student Health Service has had a drug abuse program since 1978, primarily focusing on medical treatment and counseling. Currently, the Alcohol and Drug Program provides a number of services for students and the campus community regarding the use, misuse and abuse of alcohol and drugs. The

services include information and education, training in early identification and intervention, consultation/evaluation/referral resources, and direct (individual and group) therapy.

Counseling services also are available, free of charge, through the University Counseling Services Office. Services include individual and group sessions in which students may openly and frankly discuss problems related to drug and alcohol use and abuse.

18. No data provided.

19. Data not available on counseling services. Counseling Center would do any counseling on alcohol or drug use.

20. None.

21. If, during general counseling sought by the student, it is determined that an alcohol or drug problem exists, referrals to private agencies may take place. Professionally, the Counseling Center does not consider itself ready to handle serious cases. Both the Counseling Center and the Student Health Center provide some counseling which is available to all students.

22. A new alcohol education/prevention program was started in 1985. An assessment and referral service for students with alcohol or drug concerns was established during the 1985-86 school year. The service is open to all students, but most referrals are made by the housing office. These services have been made available to the local courts. They are intended to provide evaluations and referral to appropriate counseling services on campus or alcohol/drug treatment in the community. There were 7 cases for alcohol counseling and none for drug counseling in 1985-86. In addition Alcoholics Anonymous meets on campus with about 30 meetings per year with 10 persons per session.

    11e Sponsors. University Health Center and Office of Housing.

    11f Responsibility. University Health Center and Psychology Department.

    11g Funding.

        1. Approximately $5,000 for operating expenses for the entire alcohol and drug education program which includes intervention and prevention.

        2. Approximately $20,000 - one full-time-equivalent staff member to coordinate the entire alcohol and drug education program which includes intervention and prevention.

        3. Approximately $7,000 for one half-time clinical psychology graduate assistant to perform evaluations plus faculty supervision time.

23. Counseling services are provided, sponsored, and administered by the Counseling Center, Health Center, and Alcohol Awareness/Health Education Program. Approximately 30 students used these services in 1985-86. The Alcohol Awareness/Health Education Program was funded

about $3,000. The Counseling Center and Health Center had no special funding.

24. No specific programs are in place. Workshops are held periodically on substance abuse. There are also presentations by outside consultants, literature distribution, slide/lecture talks, etc. These services are open to all students. In addition, there is personal counseling through the Counseling Center and some students might be referred to AA or other outside agencies. No data are available on number of students served or specific funding.

25. 11a, 11b Alcohol Use, Drug Use. Student Counseling Services and Dean of Students Office.

    11c Categories of Students. All.

    11d Number of Students. Through the Dean of Students Office there were 37 for alcohol counseling and 2 for drug counseling.

    11e, 11f Sponsors, Responsibility. Dean of Students Office and Student Counseling Center.

    11g Funding. No data provided.

26. 11a, 11b Alcohol Use, Drug Use. Discussion, assessment and support groups. Also referral for treatment.

    11c Categories of Students. All.

    11d Number of Students. Estimate 1,000 students.

    11e Sponsors. Some university sponsored, some through student services fees.

    11f Responsibility. Mainly Health Center.

    11g Funding. $25,000.

27. 11a, 11b Alcohol Use, Drug Use. Psychologist in the University Counseling Center, referrals by the counselors or resident directors and resident assistants to treatment programs, programs sponsored by the Center for Health Enhancement, group counseling sessions (i.e., Adult/Children of Alcoholics), counseling and treatment programs available through the University Medical Center.

    11c Categories of Students. All. Note, university does not allow fraternities and sororities on campus.

    11d Number of Students. Statistics being compiled.

    11e Sponsors. See question 11a and 11b.

    11f Responsibility. Many groups share responsibility; e.g., the Counseling Center, Student Affairs staff (including resident hall staff), Center for Health Enhancement, etc.

11g Funding. Data not available.

28. 11a, 11b Alcohol Use, Drug Use. The university has an Institute on Drug Abuse and Addiction which is available to students who are users of drugs and/or alcohol. The university also has a University Counseling Service and a psychiatric staff to assist students.

11c Categories of Students. All.

11d Number of Students. 10 in alcohol counseling and 5 in drug counseling.

11e Sponsors. See question 11a and 11b.

11f Responsibility. The Institute on Drug Abuse and Addiction.

11g Funding. Unknown.

29. 11a Alcohol Use. Alcohol Assistance Program.

11b Drug Use. Drug Counseling Program.

11c Categories of Students. All.

11d Number of Students. 200 new clients (does not include ongoing cases).

11e Sponsors. Assistant Vice President of Student Life Policy and Services.

11f Responsibility. Student Health Center.

11g Funding. Approximately $60,000.

30. 11a, 11b Alcohol Use, Drug Use. Counseling Center and Health Center.

11c Categories of Students. All.

11d Number of Students. Approximately 225.

11e, 11f Sponsors, Responsibility. Counseling Center and Health Center.

31. 11a, 11b Alcohol Use, Drug Use. Student Health Center has a full-time substance abuse person, Mental Health Section of Student Health Center, Counseling Center of the Student Resource Center, and Residence Life.

11c Categories of Students. All.

11d Number of Students. Hard to estimate. The Drug Educator saw about 100 people in a three-month period.

11e Sponsors. See question 11a and 11b.

11f Responsibility. Shared responsibility, see question 11a and 11b.

11g Funding. Impossible to estimate.

32. 11a, 11b Alcohol Use, Drug Use. Regular mental health services, special multi-session group education program (Student Opportunity Program, or STOP) for students risking disciplinary problems.

11c Categories of Students. All students paying mandatory health service fees; i.e., students taking five or more hours.

11d Number of Students. 94 for substance abuse counseling.

11e Sponsors. Mental Health Division.

11f Responsibility. Health Services.

11g Funding. Unknown.

33. 11a, 11b Alcohol Use, Drug Use. Short-term counseling and workshops in Health Center and Counseling Center.

11c Categories of Students. General student population.

11d Number of Students. About 10.

11e Sponsors. Health Center, Counseling Center, Narcotics Anonymous.

11f Responsibility. Health Center, Counseling Center.

11g Funding. Costs included in education program, see question 12f.

34. 11a, 11b Alcohol Use, Drug Use. Counseling Center is available for counseling and referral to appropriate community agencies/services.

11c Categories of Students. All.

11d Number of Students. Impossible to estimate.

11e Sponsors. Counseling Center is the primary mental health service on campus. The Psychiatric Mental Health Service also offers help.

11f Responsibility. Counseling Center.

11g Funding. No funding was available.

35. 11a, 11b Alcohol Use, Drug Use. Alcohol/drug screening, short-term counseling, referral to off-campus resources (formal treatment programs, self-help groups, individual and group therapy) and post-treatment support are provided.

11c Categories of Students. All.

11d Number of Students. Approximately 200 for alcohol counseling and 50 for drug counseling.

11e Sponsors. Dean of Students, University Counseling Center, Student Health Center, and Athletic Department.

11f Responsibility. The Dean of Students has taken formal responsibility for coordinating alcohol/drug counseling and programs.

11g Funding. No designated funding.

36. 11a Alcohol Use. An "Alcohol Awareness Seminar," individual counseling and referral.

11b Drug Use. Individual Counseling and referral.

11c Categories of Students. All full-time students.

11d Number of Students. Not available.

11e Sponsors. Center for Psychological and Learning Services.

11f Responsibility. Center for Psychological and Learning Services, Health Center does a few out-reach programs in residence halls.

11g Funding. No specific allocations.

37. 11a Alcohol Use. "Drop in Rap Group" by psychologist, Alcoholics Anonymous, individual assessment, brief therapy, and referral telephone hot-line.

11b Drug Use. "Drop in Rap Group" by psychologist, individual assessment, brief therapy, and referral telephone hot-line.

11c Categories of Students. All.

11d Number of Students. Alcohol Counseling: 25-30, Drug Counseling: 20-25.

11e Sponsors. Student Psychological Services, Alcoholics Anonymous, Student Health Service.

11f Responsibility. Student Psychological Service.

11g Funding. None.

38. 11a, 11b Alcohol Use, Drug Use. Counseling office provides outpatient assessment to help students determine level of problem and best source of further assistance. Health Services has physicians to provide further guidance. University Hospital is also available. Serious addicts are referred to hospitals or community programs.

11c Categories of Students. All

11d Number of Students. Data not readily available.

11e Sponsors. Vice President for Student Services.

11f Responsibility. Health Services, Counseling Office.

11g Funding. Data not readily available.

39. 11a, 11b Alcohol Use, Drug Use. For both alcohol and drug use, the Student Health Service offers sessions, which are primarily educational and provide an assessment and referral to community resources when appropriate. Alcohol as a problem is included in the usual range of problems presented by students using Counseling and Psychological services (Counseling Center and Psychiatry Services).

11c Categories of Students. Services are offered to all registered students and their spouses by Student Health Service. All registered students regardless of residential classification are entitled to Counseling and Psychiatric Services.

11d Number of Students. While alcohol problems are more commonly seen than any other single drug problem, most students who use the service have polydrug problems. There were 300 students seen in Student Services.

11e Sponsors. Counseling Center and Psychiatry Services.

11f Responsibility. Student Health Service.

11g Funding. $7,000 for staff.

40. 11a, 11b Alochol Use, Drug Use. Referral only, counseling therapy provided by private agencies.

11c Categories of Students. All.

11d Number of Students. Over 200 for alcohol counseling, no figures for drug counseling.

11e Sponsors. Referral only by Health Educaton Program and a local student group for responsible drinking.

11f Responsibility. Student Health Center and Office of Campus Programs and Student Activities.

11g Funding. No data provided.

Question 12) What education/prevention programs are provided on campus for students concerning:

12a) alcohol abuse?

12b) drug use?

12c) For which categories of students are these education/prevention programs provided (e.g., residential students, students in fraternities/sororities, commuters, etc.)?

12d) How many students used these education/prevention programs during the 1985/86 academic year?

12e) What groups sponsored these education/prevention programs?

12f) How much campus funding was available for these programs in FY 86?

Alcohol education_____

Drug education_____

1. 12a Alcohol Abuse. BACCHUS group, posters, floor meetings in residence halls, alcohol counselor and health educator available for meetings, videos at student health service and student union, 3 unit seminar for those with alcohol problems through Health Service.

   12b Drug Use. Same as 12a but not as well focused since less of a perceived problem.

   12c Categories of Students. We have more success, obviously, in programming for residence hall students. We are trying with some self-directed help through videos in the student union and easy check out of them from Student Health Service.

   12d Number of Students. Alcohol education program (Student Health Service) - 359. No figures on residence hall non-alcohol mixers, Bacchus attendance, etc.

   12e Sponsors. Counseling Center, Residence Life, Student Health Service.

   12f Funding. Alcohol, $15,000; Drug, $5,000 (estimate).

2. 12a, 12b Alcohol Abuse, Drug Use. Major address of Dean of Students and university President, dorm meetings with resident assistants throughout year, three AA weekly meetings on campus, special drug counselor sessions as needed.

   12c Categories of Students. All. Special program begins this fall for athletes.

   12d Number of Students. Unknown.

12e Sponsors. Student Affairs, Campus minorities.

12f Funding. No response.

3. 12a Alcohol Abuse. Alcohol Awareness Week.

12b Drug Use. No response.

12c Categories of Students. Mostly residential students. However, does include others.

12d Number of Students. No response.

12e Sponsors. Student Activities.

12f Funding. No campus funding provided to the Student Health Services specifically for alcohol or drug education.

4. The Department of Applied Health Science offers a three semester hour course, Drug Use in American Society, that had a total enrollment of 1023 students in the 1985-86 academic year. In addition, more than 40 credit courses have units or sections on alcohol or other drug use.

The Alcohol Information Center provides a wide range of informal educational programs for students in residence halls, fraternity and sorority houses, and other campus settings. More than 3500 students attended these elective programs. Beginning with the 1986-87 academic year, a program on alcohol use and abuse is being included in the freshman orientation program and will reach approximately 6,000 additional students.

The university also has an active BACCHUS chapter and is forming a SADD chapter this academic year to provide student-managed educational programs to other students.

12c Categories of Students. All.

12f Funding. Alcohol and Drug Education combined - $40,000.

5. List several organizations that provide education about alcohol and drugs. Other than the most usual areas (i.e., Counseling Center, Student Health Center, and Student Services Office), the most noteworthy are the Alcohol Information Center (which is licensed by the state as professional trainers in substance abuse activities) and the University Committee on Wellness. This latter is a large group of faculty, staff, and students who have volunteered their time to address health issues. This Fall they will publish a newsletter on drug abuse with an emphasis on cocaine. This newsletter is widely distributed on campus. They also conduct seminars on prevention, treatment, and referral.

All students are eligible to attend these programs. No data are available on number of students who use programs or on funding.

6. See question 11.

7. Three-year research project to learn what kind of information can be most effective in alcohol education. Specific programs in residence halls, fraternities and sororities on alcohol. Drug effort centered in Student Health Center. Fall, 1986, a major conference on cocaine is planned.

8. 12a, 12b Alcohol Abuse, Drug Use. Programs available in all living units (residence halls, fraternities, sororities), Dean of Students Office, and a peer counseling program.

   12c Categories of Students. All

   12d Number of Students. There was a campus wide task force in 1985 on Alcohol Use which lasted all year. Probably reached 1/3 to 1/2 of students. Was not a typical year.

   12e Sponsors. Interfraternity Council, Panhellenic Halls, Dean of Student's Off Campus Student Association, a peer counseling group.

   12f Funding. None in addition to regular budget.

9. 12a, 12b Alcohol Abuse and Drug Use/ Workshops.

10. 12a, 12b Alcohol Abuse/Drug Use. Alcohol Education Program, Alcohol Resource Center, Athletic Department, BACCHUS, Counseling and Consultation Services, Office of Greek Affairs, Police Department, Residence Life, Alcohol Education Committee, Student Health Center, Student Organization and Activities, Office of Women's Services, and various academic courses. See example 4 for details.

    12c Categories of Students. All students.

    12d Number of Students. No available statistics but several hundred have attended seminars, workshops, lectures.

    12e Sponsors. Office of Student Life's Alcohol Education Program coordinated the programs.

    12f Funding. $7,000.

11. 12a, 12b Alcohol Abuse, Drug Use. Programs provided in Residence Halls.

    12c Categories of Students. Students of Residence Halls.

    12d Number of Students. 800 - 1,000.

    12e Sponsors. Residence Halls.

    12f Funding. Separate financial records are not maintained for individual programs.

12. 12a Alcohol Abuse. Alcohol Awareness Program.

    12b Drug Use. None.

    12c Categories of Students. All registered students.

12d Number of Students. Approximately 50.

12e Sponsors. Office of Dean of Students.

12f Funding. Not identifiable by category.

13. No data provided.

14. There was a week long "Impact Training" conducted by the National Training Association from Ukiah, CA during the spring term. 45 students and staff went through the program and together have designed a broad, comprehensive education, intervention and training program for the campus. In September, prior to New Student Week, there will be another week long "Impact Training" attended by 45-50 student leaders and student members of fraternities and sororities. The campus also will have special sessions conducted by staff from the National Training Association for large groups of freshmen. Three different sessions are planned and will address approximately two thousand of the new students. The university also has special sessions that week for the presidents of the fraternities and sororities. Early in September there is a meeting with the chapter advisers of all the fraternities and sororities to discuss the campus alcohol and drug program. In October, one of the fraternities will be having its own special "Impact Training" using the professional staff from National Training Associates. There are extensive plans for events during "Alcohol Awareness Week" in October. The university spent approximately $300 on alcohol and drug education programs in 1985-86.

15. 12a Alcohol Abuse. Alcohol Awareness week, preparation of an alcohol education book that was distributed to all residence hall students, and administration of a student alcohol use survey.

12b Drug Use. No data provided.

12c Categories of Students. All.

12d Number of Students. Attendance figures not kept.

12e Sponsors. Counseling Services, Alcohol Awareness Committee.

12f Funding. Alcohol - $100, Drug - $0.

16. Same agencies as in question 11.

17. In the next year, a full range of educational, treatment and enforcement programs will be in place on the campus. Included among the educational programs will be:

1. Targeting groups of students (such as the dormitories, the fraternities and sororities, other off-campus housing, and student organizations) for special information programs. Informational programs may include such topics as the clinical effects of various drugs, legal liabilities in hosting social functions, and party planning, among others.

2. Providing information to the faculty and staff about services available for students in order to facilitate referrals to the Student Health Services and other support resources.

3. The development of educational materials such as posters, brochures, pamphlets, and other documents to focus on the multitude of drug issues, such as:

a. State's drunk driving laws
b. The alcohol content equivalences of wine, beer, and hard liquor
c. The penalties for illegal drugs
d. Campus and local community support services available
e. Party planning suggestions (e.g. non-alcoholic beverages and food availability)
f. How to help a drunk friend
g. How to drink legally and responsibly
h. Addressing myths about cocaine
i. What to do when a friend is using/selling drugs.

Further involvement of the university community will be sought in examining the campus' educational, treatment, and enforcement programs related to substance abuse. In that regard, Vice Chancellor for Academic Services, has appointed two committees: an Education Committee and a Policy Committee.

The Education Committee has been asked to consider ways of implementing a full range of educational programs. Educational programming may include activities to inform the community about drugs and to provide support services for students who may be experiencing difficulties resulting from drug use.

The Policy Committee is expected to review university position statements and recommend needed changes. The Policy Committee also will address such enforcement issues as:

1. Degree of administrative sanctions in relation to infractions
2. Improved coordination of persons, departments, and agencies responsible for enforcement.
3. Policies for on-campus vs. off-campus situations
4. Relationship of educational activities, treatment programs, and enforcement policies
5. Relationship of administrative sanctions and law enforcement actions
6. Preparation for possible change in legal drinking age
7. Legal liability questions
8. Individual rights to privacy vs. the university's responsibility to obey and enforce the law.
9 Consultation with state secondary school officials.

18. No data provided.

19. Literature available for students to pick up.

20. Health Center provides printed information and does minor, informal counseling. No data on number of students served, but number is very small.

21. 12a Alcohol Abuse. The Police Department provides seminars on the problems related to alcohol use. These seminars are provided to diverse elements of the university population. Examples are the Peer Counselors and the Student Council. These may include controlled drinking situations where breathalyzers are used to demonstrate the effects of alcohol at different blood levels. The Crime Prevention Section also distributes posters and booklets relating to alcohol abuse.

12b Drug Use. In the Crime Prevention Seminars provided by the Police Department, officers touch on the drug problem including some possible health effects and the possible legal penalties involved. The Crime Prevention Section also distributes posters and booklets relating to drug use.

12c Categories of Students. Police-provided programs are available to all categories of the university population. However, some educational programs are specifically designed for Residential Advisors and Peer Counselors. Educational materials are made available to all categories of students, staff, and faculty.

12d Number of Students. Data not available.

12e Sponsors. University Police Department.

12f Funding. Data not available.

22. 12a, 12b Alcohol Abuse, Drug Use. Educational programs on alcohol are held each year as part of the Wellness Program:

Alcohol Education classes are held throughout the year for students with alcohol concerns or problems related to disciplinary matters. Several student groups are active in prevention activities and a new peer alcohol educator program is being piloted in 1986-87. Support groups for adults, children from alcohol families meet regularly.

The focus of the programming has been on alcohol because it is considered to be the area of greatest need. Future programming will be expanded to include more information on other drugs.

12b Categories of Students. All students, although residential and Greek students are most frequently reached (on campus). One of the risk groups that is being targeted is student athletes.

12d Number of Students. Approximately 1,615 participated in educational programs and classes on alcohol. Forty students participated in alcohol support groups. No figures are available on student groups.

12e Sponsors. University Health Center.

12f Funding. See question 11g.

23. There were no special programs for alcohol and drug use exclusively; however, these topics were addressed as part of the College's Wellness

Program. This program was open to all students. The number of participants is unavailable.

24. See question 11.

25. Dean of Students Office provides educational programs in residence halls, fraternities, sororities, and student organizations. Department of Residence provides programs in residence halls. Also available is an Alcohol Assessment Program, Alcohol Education Classes, and Alcohol Education Program.

26. Chemical Awareness Prevention through Peers (CAPP). Open to all students and reaches an estimate of 5,000 of them. Funding is $26,000.

27. Programs are provided by Student Affairs staff, resident assistants, resident directors, Center for Health Enhancement, Counseling Center, and outside consultants. Programs are open to all students.

28. 12a, 12b Alcohol Abuse, Drug Use. See question 3.

    12c Categories of Students. All.

    12d Number of Students. Approximately 200.

    12e Sponsors. Institute on Drug Abuse and Addiction and security officials.

    12f Funding. Unknown.

29. 12a, 12b Alcohol Abuse, Drug Use. Alcohol Education and Training Program was designed to increase the awareness of the university community about the risks associated with alcohol. The presentations (which include workshops, exhibits, and training) are available to resident hall groups, fraternities, sororities, clubs, and classes. The Alcohol Assistance Program for students is a comprehensive alcohol and drug counseling service.

    12c Categories of Students. All.

    12d Number of Students. Alcohol Education Workshops - 835, Alcohol Education Exhibits - 1,130.

    12e Sponsors. Alcohol Education and Training Program is sometimes sponsored in conjunction with Residence Life Offices, Deans of Students' Offices, fraternities, and sororities.

    12f Funding. Estimate $60,000.

30. 12a, 12b Alcohol Abuse, Drug Use. A program conducted by Health Center called "Students Educated About Alcohol."

    12c Categories of Students. All.

    12d Number of Students. No data provided.

    12e Sponsors. Health Center.

12f Funding. $30,000. A full-time professional and a half-time graduate assistant in Health Center.

31. 12a Alcohol Abuse. 1) First time offenders in residence halls must meet with alcohol educator. 2) A Student Club, sponsors informational presentations on campus. 3) A full time alcohol/drug educator makes 5-6 presentations per week to campus groups (started in March, 1986). 4) A volunteer peer educational team being developed as described in question 12b.

12b Drug Use. Drug Educator training a team of peer educators - one per Greek House and residence hall. Trained in observation, confrontation, referral, listening. Educational brochures and pamphlets have and are being developed for alcohol and drug use.

12c Categories of Student. All.

12d Number of Students. 600/1000 estimated.

12e Sponsors. Student Health Center, Residence Life, University Police, Dean of Students Office.

12f Funding. Impossible to estimate.

32. 12a, 12b Alcohol Abuse, Drug Use. Peer education program, actively involved in presenting group education sessions and distributing literature.

12c Categories of Students. All students, especially those in residence halls and Greek houses.

12d Number of Students. 1,875 attended workshops.

12e Sponsors. Residence Halls, fraternities/sororities, health services.

12f Funding. About $50,000.

33. 12a, 12b Alcohol Abuse, Drug Use. Heavily advertised series of workshops.

12c Categories of Students. General student population.

12d Number of Students. 2,450.

12e Sponsors. Health Center and Counseling Center.

12f Funding. $10,000 plus for personnel, estimate $26,000 total. Note, includes Counseling Service funding.

34. 12a, 12b Alcohol Abuse, Drug Use. "Raise Your Spirits" (a day long alcohol education/prevention program) and outreach workshops.

12c Categories of Students. All.

12d Number of Students. 500 to 1,000 in "Raise Your Spirits" program.

12e Sponsors. Student Services, University Police.

12f Funding. No funding was available.

35. 12a Alcohol Abuse. "Everybody's Talking about Alcohol": A student-run staff-advised peer alcohol education and awareness group that offers workshops to students living in Residence Halls.

Dial-Tapes: Extensive and varied alcohol and drug information available over the phone on tape to any caller.

Alcohol/drug awareness and information workshops: Offered to student groups and organizations.

A variety of alcohol/drug pamphlets and brochures: Distributed widely to students in residence halls, fraternities and sororities, student organizations. These materials describe alcohol/drug problems, how to intervene with a friend or peer, how to cope with alcohol overdoses, alcohol/drug resources, campus alcohol policies.

Forced referral program (Residence Halls): Designed to foster self-exploration of behavior and attitudes regarding alcohol on the part of students whose drinking behavior has resulted in discipline or otherwise caused concern among residence halls staff or other concerned students.

Letters to new students and parents: Distributed at summer orientation, detailing university's policies, procedures and resources regarding alcohol/drugs.

Student-Athlete Assistance Program: An education and referral program designed to promote early recognition and intervention regarding alcohol/drugs and other problems in student athletes.

Counseling Service Programs and Personal Growth Groups: Providing students with skills and resources to expand coping skills, reduce stress, negotiate developmental hurdles, pursue vocational/career questions.

Living Learning Center (Residence Halls): Academic and nonacademic programs and resources to help students cope with personal, academic, professional challenges.

Alcohol Server Training: For alcohol servers in residence halls and student unions to assist them in recognizing and refusing service to intoxicated patrons, in recognizing patrons with patterns of abusive drinking; to encourage confrontation/intervention with these patrons.

12b Drug Use. Although our education/prevention programs and materials are organized around the concept of "chemical" use/abuse/dependency, most of the problems we encounter are alcohol-related, and much of our drug specific prevention/educational materials/programs focus on alcohol.

12c Categories of Students. All.

12d Number of Students. About 3,250 actual users of all programs. Many more received information and educational materials.

12e Sponsors. Dean of Students Office, University Housing, Counseling Center, and Athletic Department.

12f Funding. Athletic Department - $5,000, Residence Halls - $1,250.

36. 12a Alcohol Abuse. Alcohol Awareness Night at Tavern, dorm programs during National Alcohol Awareness Week, and Alcohol Awareness Seminar.

12b Drug Use. Residence Assistant Training.

12c Categories of Students. Mainly resident students.

12d Number of Students. Not available.

12e Sponsors. Center for Psychological and Learning Services, BACCHUS, Office of Residence Life.

12f Funding. No specific funding.

37. 12a, 12b Alcohol Abuse, Drug Use. Peer Health Counselors (Substance Overuse and Use, Referrals, Counseling and Education), Student Psychological Services Consultation and Outreach Program Helpline Training.

12c Categories of Students. All.

12d Number of Students. 300-400.

12e Sponsors. Student Psychological Services, Student Health Services.

12f Funding. No data provided.

38. 12a, 12b Alcohol Abuse, Drug Use. Housing office and Health Service provide a variety of programs.

12c Categories of Students. Students in university housing are most systematically exposed to these programs. Efforts are also made to reach the fraternities and sororities and others.

12d Number of Students. At least 1,000.

12e Sponsors. Housing division.

12f Funding. Data not readily available.

39. 12a, 12b Alcohol Abuse, Drug Use. Speakers Bureau of Professional Staff and Peer Educators, Awareness Week once a semester, phamphlets and media campaign, and conferences and symposium.

12c Categories of Students. All, with emphasis on residence centers.

12d Number of Students. 3,000.

12e Sponsors. Co-sponsored by the housing office, student government groups, and other university departments and student organizations.

12f Funding. $16,000 for staff, supplies, and expenses.

40. 12a, 12b Alcohol Abuse, Drug Use. No data provided.

12c Categories of Students. All.

12d Number of Students. Not available.

12e Sponsors. Health Education Program and a local student group for responsible drinking.

12f Funding. The local student group was funded $1,000.

Question 13) What training programs are offered on campus concerning the recognition of and response to:

13a) alcohol abuse?

13b) drug use?

13c) For which categories of employees are these programs provided (resident assistants, faculty, coaches, other staff, etc.)?

13d) How many persons received training in the recognition of alcohol abuse and/or drug use during the 1985/86 academic year?

13e) Which groups sponsored these training programs?

13f) How much campus funding was available for these training programs in FY86?

Alcohol abuse _____

Drug use _____

1. 13a, 13b Alcohol Abuse, Drug Use. Counseling center staff, student health service staff, residence hall staff, campus police, coaches receive some training and orientation, and attend special seminars on a selected basis. Of course, professionals in our health sciences areas (medicine, nursing, pharmacy, etc.) receive training, updates, etc.

   13c Categories of Employees. All residence hall staff, including students; doctors and nurses in the Student Health Service; all campus police; counselors and psychologist in the Counseling Center; and the coaches in the Athletic Department. This does not include training for students and professionals in the health sciences schools.

   13d Number of Employees. About 150.

   13e Sponsors. Student Health Service, Counseling and Student Development Center, Residence Life, Athletic Departments, and Public Safety

   13f Funding Unknown.

2. 13a, 13b Alcohol Abuse, Drug Use. Annual training of resident assistants in these areas.

   13c Categories of Employees. Student Affairs staff.

   13d Number. 350 (250 research assistants and 100 professionals)

   13e Sponsors. Office of Dean of Students and Office of Residence Life.

   13f Funding. No response.

3. No training programs concerning the recognition of and response to alcohol abuse or drug use are provided by the Health Services.

4. 13a, 13b Alcohol Abuse, Drug Use. The Alcohol Information Center offers a wide range of in-service staff training concerning the recognition of and response to alcohol abuse and drug use. Programs available include such topics as: emergency management of alcohol and other drug situations; intervention and confrontation skills; how to make a referral; symptom recognition; and crisis management.

   13c Categories of Employees. All, but most are resident assistants or student affairs professionals.

   13d Number of Employees. About 250.

   13e Sponsors. The Alcohol Information Center (Dean of Students Division) was the primary sponsor. Some additional training was provided by the staff of Counseling and Psychological Services of the Student Health Service.

   13f Funding. Separate accounting is not available. Provided by existing staff.

5. Graduate and undergraduate credit courses are taught on alcohol abuse and drug use. No data are available on number of students in these courses or on funding.

6. 13a, 13b Alcohol Abuse, Drug Use. Professional training for residence hall staff, health center staff, and counseling center staff. Education programs are available on a periodic basis to all staff and students. Formal training is given to athletic department staff.

   13c Categories of Employees. Primarily for residence hall, counseling center, and athletic department staff, although none of the faculty or staff would be turned away from an opportunity to receive further education in these areas.

   13d Number of Employees. Data not available.

   13e Sponsors. See question 11.

   13f Funding. Data not available.

7. See question 12.

8. Training programs are offered by the residence halls for its counselors and staff and by the athletic department for the coaches, department heads, and staff. No data are available on number of persons involved or on funding.

9. 13a, 13b Alcohol Abuse, Drug Use. Inter-campus staff development workshops.

   13c Categories of Employees. Campus police, Counseling Center staff, Student Health staff, and Residence Life staff

13d Number of Employees. 13.

13e Sponsored. Campus Police Department.

13f Funding. Handled within available budget.

10. See question 12 and example 4.

11. No training programs on alcohol abuse, though their development is under consideration.

12. 13a Alcohol Abuse. Outreach programs in residence halls.

13b Drug Use. None.

13c Categories of Employees. Public Safety employees, residence hall assistants.

13d Number of Employees. Unknown.

13e Sponsors. Residence Life, Office of Dean of Students, Public Safety.

13f Funding. Not identifiable.

13. No data provided.

14. 13a, 13b Alcohol Abuse, Drug Use. The campus used the "Impact Training" from the National Training Association (NTA) to train both students and staff in drug and alcohol awareness and programming and used professional staff from the campus' treatment centers for additional training. Residence hall and student staff will have a full day of training this fall on alcohol and drug abuse. This training will be conducted by a professional from the NTA group. There will be a one-day advanced "Impact Training" for both staff and students in September, again conducted by professionals from the NTA group.

13c Categories of Employees. Residence hall staff, Student Affairs staff, Athletic Department staff, student leaders, etc.

13d Number of Employees. 52.

13e Sponsors. Student Affairs Division.

13f Funding. Impact Training costs $150 per person, per week of training. Fraternities, sororities, residence halls, campus security, the athletic department, the student government, and student affairs collectively spent $7,800 for this training.

15. Residence Life and Counseling Services provided training program for 50 resident assistants on alcohol and drug use.

16. 13a, 13b Alcohol Abuse, Drug Use. Residential Programs, Staff Training Health Officers Program (peer educators), several credit

courses in Department of Health, Physical Education, and Recreation.

13c Categories of Employees. Resident Directors and Assistants, Graduate Assistants (in Student Affairs).

13d Number of Employees. 110 in Residential Program Staff and 30 in Health Officers from fraternities and sororities.

13e Sponsors. Residential Programs, Student Assistance Center, and Student Health Center (Department of Health Education).

13f Funding. No data available.

17. New treatment programs will include:

1. Expanding the Student Health Service Alcohol and Drug program. This may include the addition of resources for counseling and therapy and the development of a peer advising and counseling program.

2. Developing a mandatory counseling program for students whose involvement with drugs is causing behavioral problems.

18. No data provided.

19. None.

20. None.

21. 13a Alcohol Abuse. The University Police Department provides seminars to various groups so that they can recognize alcohol related problems. The packet that the Police Department distributes to residential advisors contains material on alcohol problem recognition.

13b Drug Use. The University Police Department provides seminars on request to interested university groups. The packet that the Police Department distributes to residential advisors contains material on drug problem recognition.

13c Categories of Employees. Police Department training goes to resident advisors, peer counselors, Police Department personnel, and various other groups upon request.

13d Number of Employees. Data not available.

13e Sponsors. University Police Department.

13f Funding. Data not available.

22. 13a, 13b Alcohol Abuse, Drug Use. The educational programs and classes described in 12a) and 12d) include information on the signs and symptoms of alcohol use and on intervention strategies.

13c Categories of Employees. Alcohol education program through the Health Center, coordinated training for groups of campus police,

clergy, health center employees, housing staff including student assistants, and counseling staff. Student assistants also receive training from the Health Center. Staff and faculty are offered opportunities to receive training from the Personnel Office.

13d Number of Employees. Approximately 150 staff/faculty and 1,615 students through alcohol education programs (Health Center). Approximately 100 student assistants through Housing Office. Approximately 140 health aides through Health Center. Approximately 30 staff and faculty through Personnel Office.

13e Sponsors. University Health Center, Office of Housing, and Personnel Office.

13f Funding. See question 11g.

23. There are no special programs except for resident assistants and area directors. Approximately 40 resident staff took part in this program which is funded out of the regular operating budget.

24. Formal programs are not operating, though training and information would be provided to campus police as part of their normal training. Various literature on alcohol and drug use is available to all employees through the Campus Police Department.

25. Training for academic advisors, student organization advisors, Greek chapter advisors, resident assistants, and hall advisors.

26. Housing Service sponsors programs for its resident assistants. There were 150 assistants who received training at an estimated cost of $3,000.

27. 13a, 13b Alcohol Abuse, Drug Use. Programs are provided to student groups, staff, etc. on how to recognize various drugs and how to determine whether drugs are apparent. Intervention strategies are discussed.

13c Categories of Employees. Student Affairs staff, resident assistants, resident directors, security officers, health care specialists, emergency response teams.

13d Number of Employees. Data not available.

13e Sponsors. Student Affairs staff, Counseling Center staff, outside consultants.

13d Funding. Data not available.

28. 13a, 13b Alcohol Abuse, Drug Use. Programs offered by Institute on Drug Abuse and Addiction and security officials.

13c Categories of Employees. Residence hall staff and new faculty and staff.

13d Number of Employees. Approximately 300.

13e Sponsors. Institute on Drug Abuse and Addiction, security staff, and Office of Personnel Administration.

13f Funding. Unknown, these are regularly budgeted staff.

29. 13a, 13b Alcohol Abuse, Drug Use. See question 12. Also Summer School of Alcohol Studies for faculty/staff and specialized training for Student Life staff, Student Health Service staff, Counseling Center staff, and bartenders.

13c Categories of Employees. See question 13a and 13b.

13d Number of Employees. Approximately 240 were exposed to varing degrees of alcohol education/intervention training.

13e Sponsors. Alcohol Education and Training Program and Alcohol Assistance Program for students.

13f Funding. Funding for just the training program cannot be separated out of the total budgets. Total funding for the two units were Alcohol Education and Training Program - about $60,000; Alcohol Assistance Program for Students - about $60,000.

30. 13a, 13b Alcohol Abuse, Drug Use. Continuing education for Student Affairs professionals and substance abuse program in the Athletic Department.

13c Categories of Employees. Student Affairs staff and Athletic Association personnel.

13d Number of Employees. 125 plus.

13e Sponsors. Health Center, Student Affairs, and Athletic Department.

13f Funding. At leat $5,000 earmarked for a special two-day seminar. Six half-day programs locally sponsored in addition to numerous informal individual sessions.

31. 13a, 13b Alcohol Abuse, Drug Use. Residence Life, Student Health Center. See Drug Educator's peer education in question 12b.

13c Categories of Employees. Student Health promoters, student assistants, residence life, and fraternities and sororities.

13d Number of Employees. 200-250 estimate.

13e Funding. Impossible to estimate.

32. 13a, 13b Alcohol Abuse, Drug Use. Staff training involves health professionals as trainers for campus. Employees Assistance Program trains supervisors.

13c Categories of Employees. Resident assistants, resident directors, supervisors, and health professionals.

13d Number of Employees. Estimated 150.

13e Sponsors. Residential Programs, Health Services, and Occupational Health.

13f Funding. About $30,000.

33. 13a, 13b Alcohol Abuse, Drug Use. Series of workshops.

13c Categories of Employee. Resident assistants, police, and coaching staff.

13d Number of Employees. 50.

13e Sponsors. Health Center and Residential Life.

13f Funding. Included in question 12f.

34. 13a, 13b Alcohol Abuse, Drug Use. "Raise Your Spirits" (an alcohol education/prevention program), residence workshops, academic courses.

13c Categories of Employees. Unknown.

13d Number of Employees. Unknown.

13e Sponsors. University.

13f Funding. No funding was available.

35. 13a, 13b, 13c Alcohol Abuse, Drug Use, Categories of Employees.

Resident Assistant and Senior Housing Staff training: recognition, intervention and referral with alcohol/drug troubled students.

Counselor training: alcohol/drug screening, short-term counseling and referral.

Peer counselor training: recognition of and response to alcohol/drug troubled students by other students.

Coaches and other Athletic Department staff: recognition, intervention and referral of alcohol/drug troubled athletes.

Student Health staff: screening for alcohol/drug related accidents, injuries, health matters, intervention and referral.

Other academic support service staff as appropriate and/or requested.

13d Sponsors. Dean of Students Office, University Housing, Athletic Department, and Student Health.

13f Funding. No specific funding.

36. 13a, 13b Alcohol Abuse, Drug Use. Resident assistants orientation and training, hot-line.

13c Categories of Employees. Resident assistants, student volunteers to hot-line.

13d Number of Employees. About 100.

13e Sponsors. Office of Residence Life, Center for Psychological and Learning Services.

13f Funding. No specific allocation.

37. 13a, 13b Alcohol Abuse, Drug Use. Early detection training, student psychological services staff development, resident assistant helpline training. All in-hall residential life staff go through an in-service training program for alcohol and substance abuse.

13c Categories of Employees. Coaching staff, counseling staff, hot-line staff, and resident assistants.

13d Number of Employees. 250-300 plus about 75+ residential life staff.

13e Sponsors. Student Psychological Services, Intercollegiate Athletics, Student Health Services, Office of Residential Life.

13f Funding. Some funding was available through intercollegiate athletics for athletes.

38. 13a, 13b Alcohol Abuse, Drug Use. Training is provided to assist supervisors in identifying and handling problems. Individuals with problems are referred for further help.

13c Categories of Employees. All, but special focus on supervisors. Resident advisors are covered by Housing Division programs.

13d Number of Employees. 300 to 400.

13e Sponsors. Union Relations has training programs as does Human Resources and Development.

13f Funding. Data not readily available.

39. 13a, 13b Alcohol Abuse, Drug Use. In-service training is available to all campus departments and leadership of student groups.

13c Categories of Employees. All, training also provided for faculty and principals of local high schools.

13d Number of Employees. 700.

13e Sponsors. No data provided.

13f Funding. $2,000 for staff.

40. Master's degree program in substance abuse. Does not apply to staff.

CAMPUS ATHLETES

Question 14) What special campus policies exist concerning athletes' conduct in regard to:

14a) alcohol use?

14b) use of controlled substances?

1. 14a Alcohol Use. No specific policy on alcohol, except the team rules of various coaches. In football, for instance, coach prohibits it. In basketball, coach does not.

   14b Controlled Substance. Have a specific drug screening/education policy which will begin its third year.

2. 14a Alcohol Use. Student-athlete may be dismissed from squad for alcohol abuse.

   14b Controlled Substance. Drug screening and educational program in effect. Based on NCAA drug list.

3. Each coach has rules about alcohol consumption for his/her team. The Athletic Department is in the process of developing a drug education and screening program.

4. The university's Athletic Department has made the following policy statement in its "Student-Athlete Assistance Program" manual:

   "The participation in the use of, sale of, or distribution of any narcotic drug or controlled substance not prescribed by an athlete's team or personal physician shall be grounds for immediate suspension of the student-athlete from the team by the head coach. This may include suspension from further practice and/or competition and appropriate disciplinary action. In conjunction with Big Ten Policy this may result in the financial aid provided by the Big Ten Tender of Financial Assistance not being renewed for the following academic year."

   "The financial aid provided by the Big Ten Tender of Financial Assistance may not be renewed for the following academic year if the student-athlete is suspended from athletic competition or dismissed from an athletic team for participating in the use of, sale of, or distribution of any narcotic drug or controlled substance."

5. 14a Alcohol Use. Same as rest of the students.

   14b Controlled Substances. Drug testing (urinalysis) at least once a year plus random testing may be made. Results are given only to student, his parents, his head coach, team physician, team chaplain, and their representatives. In cases where an athlete is found to be using drugs a variety of actions may be taken from discussion with coaches, mandatory counseling, and suspension or dismissal from the team.

6. Athletes are treated the same as other students except for Drug Education and Testing Program.

   The Drug Testing Program was started in Spring 1986. Each athlete will be tested at least once annually and random testing after the initial testing.

7. University has a revised drug testing program for 1986-87. Students may not take any drugs on NCAA banned list unless prescribed by qualified medical personnel to treat an illness. The physician must certify in writing that the specified athletic activity can be undertaken satisfactorily while under the influence of the drug. In addition, the student must sign a waiver releasing the University of any responsibility of the effect of the drug while engaging in the athletic activity and the coaches of the competing teams must be told of the drugs. The medication given to the athlete cannot include the performance-enhancing drugs.

   Tests may be administered at any time during the student's enrollment. Analysis of urine samples will be accomplished under the direction of the Student Health Center. The verified results will be reported to the Director of Athletics who will advise the head coach of the athlete's sport, the student, and other appropriate University officials.

8. The athletes of each sport are given a lecture on drug abuse and drug testing program by the university's Department of Sports Medicine. The drug testing is done to detect both the "street" drugs and the "performance enhancing" drugs.

   If a drug test is positive, team physician advises only student and head coach. On the third positive test, the team physician has authority to notify the athlete's parents. The team physician may recommend counseling at any time. It should be noted the coaches have authority to take what ever action they want in relation to the athlete's performance on the team.

   It should be noted that Big Ten Conference financial aid forms contain a provision that student financial grant-in-aid may not be renewed if a student is suspended from the team for use, sale, or distribution of any narcotic drug or controlled substance.

9. No data provided. Policy being developed.

10. 14a Alcohol Use. Team rules as written by the coaching staff. Generally no use of alcohol during the competitive season and a Department policy of no use of alcohol while on away trips.

    14b Controlled Substances. Use of controlled substance is unacceptable at anytime.

11. There are no special policies that apply to athletics.

12. 14a Alcohol Use. Alcohol use is restricted during in-season.

    14b Controlled Substances. No restrictions because university has no scholarship program for athletes.

13. No data provided.

14. No special campus policies exist for student athletes. They are expected to conform to the provisions of the student conduct code.

15. None.

16. 14a Alcohol Use. Each head coach admonishes his team about the use and/or abuse of alcohol and each coach administers the appropriate discipline if abuse occurs. That discipline could range from counseling to suspension from the team.

    14b Controlled Substance. The Athletic Department has a thorough and comprehensive drug policy and program providing education, testing, counseling, treatment and potential suspension from participation.

17. In compliance with the NCAA Resolution 162, the university will conduct a drug screening as part of the annual physical examination of varsity athletes, beginning with the 1984-85 academic year. The test will consist of a broad spectrum urinalysis drug screen for the following: Drugs (amphetamines, barbiturates, cocaine), marijuana, and alcohol. Random re-checks of the tested athletes may be conducted at intervals during the academic year. A committee, consisting of University medical and legal personnel and athletes, will be formed to develop the procedure for handling positive results.

18. No data provided.

19. No separate policies for athletes.

20. No athletic program.

21. 14a, 14b Alcohol Use, Controlled Substances. Same as other students.

22. General campus policies for athletes would be the same as for any student; however the athletic department has additional disciplinary measures regarding drugs.

23. No special policies.

24. None.

25. 14a Alcohol Use. Athletic Department maintains special policies in regard to alcohol use and conduct.

    14b Controlled Substances. University has a substance abuse policy.

26. No special campus wide policies exist at this time. Entire issue under review and would expect to have policies by next year.

27. None, except athletes are counseled by their coaches.

28. None.

29. Team training rules and substance abuse program.

30. Drug testing (urinalysis) may occur at any time during the year. The testing may be announced or unannounced. Testing is for both "street drugs" and "performance enhancers." Athletes who are taking prescription drugs must register this fact with the team physician.

31. 14a Alcohol Use. None.

    14b Controlled Substances. Urinalysis. A minimum of 20 percent of the athletes in each sport selected randomly for testing.

32. Program being developed by task force.

33. None.

34. None.

35. 14a Alcohol Use. Each team has its own rules.

    14b Controlled Substances. Drug testing program.

36. None, except individual coaches may apply specific rules.

37. 14a Alcohol Use. None.

    14b Controlled Substances. Use is forbidden by policy incorporated in the drug program. In pre-season physical examinations, urinalysis will be done followed by random testing during the rest of the season. Results are provided to team physician. Upon first positive test, head coach will be told of number of positive results but not names of individuals. The athlete who tests positive will be offered counseling on a voluntary basis and will be retested. Upon a second positive test, athlete will be referred for mandatory counseling and head coach and parents/spouse will be notified. A third positive test results in immediate team suspension and non-renewal of any grant-in-aid.

38. Individual coaches control policies.

39. 14a Alcohol Use. None, except educational materials regarding alcohol abuse and team training rules.

    14b Controlled Substances. A drug testing program for street drugs and performance enhancing drugs. In pre-participation medical examination an urine sample is taken for testing. Results of these tests are given only to the team physician who informs the student-athlete. The head coaches receive only the number of positive samples. At this time the athlete is offered the services of the counseling program. Athletes with positive sample and others on a random basis are retested. A second positive test and the athlete is referred for mandatory counseling and the head coach as well as parents, spouses, or guardian are informed. A third positive test may result in suspension for the remainder of the season and non-renewal of any grant-in-aid.

40. Team rules that are eatablished by coaches of each sport.

Question 15) What special disciplinary policies apply to athletes in regard to:

15a) alcohol use?

15b) use of controlled substances?

1. 15a Alcohol Use. University and individual squad policies.

   15b Controlled Substances. Ranges from additional testing, to immediate suspension from practice and competition to possible loss of scholarship, all depending on the drug in use.

2. 15a Alcohol Use. Same policies apply to athletes as to rest of student body. In addition, athletes may be dismissed from squad.

   15b Controlled Substance. Continual evidence of drugs means dismissal from team and loss of any athletic scholarship.

3. 15a Alcohol Use. Coach of each team.

   15b Controlled Substance. Are presently formulating policies.

4. Student Athletes are subject to the same university disciplinary policies as the other students. Policies described in question 14.

5. See question 14. Detail procedures are provided when and under what circumstances various disciplinary actions will be taken.

6. Drug Testing Program. 1st positive - only athlete and team physician will know. Coaches and parents are not informed. There will then be a retest. 2nd positive test - team physician arranges meeting with athlete and athletic director. Athlete must telephone parents at this meeting. Athlete will then be required to undergo professional counseling and evaluation of his continued athletic participation. Coach and trainer are not informed of positive test. 3rd positive test - head coach informed, athlete suspended from team until completion of a required rehabilitation program and negative retest. 4th positive test - athlete permanently suspended from the team and any athletic scholarships are terminated.

7. Students with verified positive urinalysis will be referred to the Drug Counseling and Rehabilitation Program and placed on probationary status. If a second positive result occurs, the student will continue with the counseling and be suspended from the team for one year. After six months, the student may petition, for reinstatement, for practice privileges only, not competition. A third offense will mean suspension from all athletic participation and termination of any athletic scholarships.

8. See question 14.

9. No data provided. Policy being developed.

10. 15a Alcohol Use. Varies from consultation with Core Committee members of the Student-Athlete Assistance Program, to probation, and to intra-squad discipline or alcohol counseling and treatment.

15b Controlled Substances. Mandatory counseling and varying degrees of sanctions depending upon classification of controlled substance use. Sanctions are from probation to removal from the squad.

11. None.

12. 15a Alcohol Use. Any abuse would result in immediate suspension.

13. No data provided.

14. 15a Alcohol Use. Student athletes can be suspended or dismissed from athletic participation for serious misconduct including abuse of alcohol.

15b Controlled Substances. A student-athlete who tests positive for illicit drugs in or out of season faces a set of disciplinary actions. These include suspension until "clean" and non-participation, suspension for a specific period of time, and ultimately dismissal from the team.

15. Not aware of specific responses/policy established by individual coaches.

16. See question 14.

17. No data provided.

18. No data provided.

19. No separate policies for athletes.

20. Not applicable.

21. 15a Alcohol Use. Same as other students. Coaches have specific rules regarding use during season.

15b Drug Use. There is mandatory drug testing. First positive result athlete will be required to attend counseling sessions at the Student Health Center and will be suspended from practice and competition until retesting gives negative results. If athlete is a minor, his parents will be notified. The third offense results in an indefinite suspension from the team. Any athlete criminally charged with a drug offense will be suspended from the team and permanently barred from the team upon conviction.

22. First offenders will be counseled concerning drug abuse and will be tested on a weekly basis until such time that their system is clear of any substance. Second offenders will be required to enter a drug counseling program and will be suspended from competition and their scholarships may not be renewed.

23. No special policies. Excessive use of alcohol or drug use may result in suspension from the team.

24. Each coach has his/her own policies.

25. Discipline policies exist within the Athletic Department and are enforced by the coaching staff, administrative staff, and student peer group.

26. See question 14.

27. Not applicable.

28. Same as all students except coaches may impose team-related sanctions.

29. Possible suspension or dismissal from team. Counseling and rehabilitation through Substance Abuse Program.

30. First positive urinalysis - team physician meets with athlete and recommends appropriate action. This may include counseling or treatment. The first offense is kept confidential between the athlete and team physician. Second positive test - team physician tells head coach and parents and the athlete is suspended from the team for at least one athletic contest. Third positive test - athlete dropped from team for remainder of the season.

31. 15a Alcohol Use. None.

    15b Controlled Substance. First positive test - athlete encouraged to to seek counseling services and the Athletic Director, head coach, and parents/spouse informed. Membership on the team is not affected. Athlete will be included in all subsequent tests for one calendar year. Second positive test - dismissed from the team immediately and athlete's financial aid ends at end of semester. After one subsequent full competition season, athlete may apply for reinstatement on the team and of financial aid.

32. Program being developed by task force.

33. None.

34. Left to coach's discretion. No drinking in uniform or on university transportation.

35. 15a Alcohol Use. Varies with team.

    15b Controlled Substances. Repeated use can mean suspension and possible loss of scholarship and eligibility.

36. None, except individual coaches may apply specific rules.

37. 15a Alcohol Use. None.

    15b Controlled Substances. See question 14.

38. Individual coaches control policies.

39. If detected, athletes are not allowed to practice or compete and are referred for mandatory counseling.

40. Varies with each team. Coaches establish team rules and sanctions with the approval of Athletic Director. These policies range from suspension, dismissal, and loss of scholarship.

Question 16) What special enforcement policies including drug testing apply to athletes in regard to:

16a) alcohol use?

16b) use of controlled substances?

1. 16a Alcohol Use. No response.

   16b Controlled Substances. Drug testing is mandatory for practice or competition.

2. 16a Alcohol Use. Rely on Office of Resident Life to alert Athletic Department of any abuse.

   16b Controlled Substance. Drug screening program.

3. 16a Alcohol Use. None.

   16b Controlled Substance. Will address area when University Drug Task Force makes its recommendations.

4. All student athletes are subjected to urinalysis with their physical examinations and on a random basis during the season. A detailed description of the policy was provided.

5. 16a Alcohol Use. None.

   16b Controlled Substance. Urinalysis test, see question 14.

6. See question 15.

7. See questions 14 and 15.

8. See question 14.

9. No data provided. Policy being developed.

10. 16a Alcohol Use. Next to impossible to test for alcohol because of limited time it stays in the body system.

    16b Controlled Substances. Every athlete (male and female) is tested a minimum of four times a year. All tests are unannounced and random.

11. None.

12. 16a Alcohol Use. Behavioral reports and visual reports.

    16b Controlled Substances. See 16a above. There is no drug testing.

13. No data provided.

14. 16a Alcohol Use. There is currently no alcohol testing policy. Some teams have strict guidelines on the use of alcohol.

16b Controlled Substances. A drug testing policy for the athletic department will be implemented within the next month. Several sports have had drug testing programs.

15. None. However, there is discussion of a change in drug testing for this year.

16. See question 14.

17. No data provided.

18. No data provided.

19. None.

20. Not applicable.

21. 16a Alcohol Use. Same as rest of student body.

16b Controlled Substances. See question 15.

22. A drug screening program.

23. None.

24. None.

25. Annual drug testing for all athletes. Random selection for testing.

26. See question 14.

27. Not applicable.

28. None.

29. Possible suspension or dismissal from team. Rehabilitation referral to Substance Abuse Program.

30. See question 15.

31. See question 15.

32. Program being developed by task force.

33. None. Coaches may suspend a player from the team or not play the athlete.

34. 16a Alcohol Use. Unknown.

16b Controlled Substances. NCAA guidelines.

35. 16a Alcohol Use. None.

16b Controlled Substances. Team physician and drug specialist along with trainers handle initial enforcement.

36. None.

37. 16a Alcohol Use. None.

    16b Controlled Substances. See question 14.

38. 16a Alcohol Use. None.

    16b Controlled Substances. Testing for past three years in football, hockey, and basketball.

39. 16a Alcohol Use. Considered a medical disqualification.

    16b Controlled Substances. Considered a medical disqualification. Repeat offenses may cause loss of grant-in-aid.

40. 16a Alcohol Use. None.

    16b Controlled Substances. Drug screening conducted on individuals prior to any NCAA sponsored events or post-season bowl games.

Question 17) What special campus-sponsored programs are offered to campus athletes in the following areas:

17a) alcohol counseling?

17b) drug counseling?

17c) education/prevention concerning alcohol use?

17d) education/prevention concerning drug use?

1. University is putting together a one credit course (15 hours) to cover all these areas. Course will be mandatory for all athletes who compete on intercollegiate teams.

2. 17a Alcohol Counseling. Individual programs for abusers.

   17b Drug Counseling. Individual program for first-time offenders.

   17c Alcohol Education. Mandatory program.

   17d Drug Education. Prerequisite to competition.

3. 17a, 17b, Counseling. The University Counseling Center sponsors programs on alcohol and drug abuse.

   17c, 17d Education. Athletic Department has lined up several speakers to address these areas.

4. In addition to the programs available to all students at the university, the Athletic Department Student-Athlete Assistance Program provides confidential assistance and support to students regarding personal problems that are adversely affecting their academic or athletic performance. Educational programs are also offered to prevent problems and promote the general well-being of student-athletes. A more complete description of the program was provided.

5. See question 14.

6. See question 15.

7. There is an active Drug Education Program under the direction of the Student Health Center. Team meetings and individual sessions (if needed) will be conducted to educate about drug and alcohol abuse.

8. See question 14.

9. No data provided. Policy being developed.

10. 17a Alcohol Counseling. There are no special campus-sponsored programs offered to campus athletes. However, the Athletic Department has a Student-Athlete Assistance Program (SAAP).

17b Drug Counseling. The Core Committee of the SAAP refers student-athletes for appropriate help and supports individuals throughout counseling and/or treatment.

17c Alcohol Education. This same committee plans a variety of educational programs on alcohol and substance abuse.

17c Drug Education. No data provided.

11. None.

12. There are no special programs for athletes.

13. No data provided.

14. 17a, 17b Alcohol and Drug Counseling. There is no special campus sponsored alcohol counseling program for student-athletes. The athletic department "core" team which is an extension of the campus drug and alcohol program is developing a referral and support program for student-athletes who desire information or seek help with alcohol and other drug-related problems.

17c, 17d Alcohol and Drug Education. Both campus and athletic department drug education programs are being developed which will deal with alcohol and other drugs. There are no special university sponsored programs for student-athletes. Through a cooperative effort they will be included in various aspects of the comprehensive campus-wide program as it evolves.

15. Counseling Service.

16. Outside speakers from another university will speak on the effects of drugs on athletic performance.

17. No data provided.

18. No data provided.

19. No separate programs for athletes.

20. Not applicable.

21. There is a mandatory orientation of lectures for all athletes. Topics include alcohol and drug abuse. Information on the three, two-hour lectures was provided.

22. The University Health Center provides alcohol education programs and counseling for all students. The athletic department has additional requirements of its own: Athletes have the opportunity to hear at least one guest lecturer as well as being strongly encouraged to attend one of two drug-awareness classes or both.

23. None.

24. A consultant is conducting a three day workshop dealing with stress-management techniques and stress-reduction exercises to alleviate one possible cause for resorting to drugs.

25. 17a Alcohol Counseling. Dean of Students Office offers substance abuse evaluations. Student Counseling Service handles referrals.

    17b Drug Counseling. Student Counseling Service handles referrals anytime an athlete has a positive urinalysis.

    17c, 17d Education. Programs through Dean of Student's Office.

26. See question 14.

27. Athletic teams are sometimes budgeted for education programs at the request of the coach. No systematic counseling or education program are conducted.

28. None.

29. Substance Abuse Program.

30. Substance abuse counseling and treatment.

31. Scheduled lecture series, printed material, counseling available through Mental Health Center.

32. 17a, 17b Counseling. Program being developed by task force.

    17c, 17d Education. Special sessions required of all varsity athletes beginning Fall, 1986.

33. None.

34. 17a, 17b Counseling. No special program.

    17c, 17d Education. Hoping to initiate an awareness program.

35. Student-Athlete Assistants Program. A program the athletes may go to for help.

36. None. Individual coaches may provide special programs or counseling.

37. 17a, 17b Counseling. Same as other students.

    17c, 17d Education. Seminars are mandatory.

38. 17a, 17b Counseling. Intercollegiate Athletic Department and medical staff counsel.

    17c, 17d Education. Head trainer provides variety of training programs which include former athletes, FBI agents, DEA agents, or other guests.

39. 17a, 17b Counseling. Direct referral to Student Health Services Alcohol Abuse Counselor.

17c, 17d Education. Distribution of literature, discussion by team physician, visual aids, etc.

40. 17a, 17b Counseling. University Counseling Services, Student Health Services.

17c, 17d Education. Student Athlete Assistance Program.

Question 18) Are campus athletes counseled to avoid persons who use or distribute drugs? If so, who provides this counseling.

1. Former athletes, medical experts, and FBI agents.

2. Yes. Coaches and athletic administrators.

3. Coaches talk to student-athletes about avoiding persons who use or distribute drugs. The FBI and DEA speak annually to the men's basketball team.

4. Provided by the individual coaching staffs and by the Student-Athlete Assistance Program in their mandatory educational programs.

5. Yes, personnel of Athletic Department.

6. Yes, Athletic Department with the assistance in specific cases of the Counseling Center.

7. See question 17.

8. See question 14.

9. Yes. Director of Athletics and Director of Public Safety.

10. Yes. Outside speakers.

11. No.

12. Yes, the coaching staff through the Athletic Director.

13. No data provided.

14. Yes. A speaker qualified in this area is selected to address student-athletes at an annual meeting of all student-athletes. Some coaches bring in additional speakers to talk with their teams. Student-athletes are urged to participate in such programs as "Impact Training."

15. Yes, coaches.

16. Yes, coaching staff and administrative staff. The Big Eight Conference sends a representative once a year to speak to student athletes on drugs, alcohol, and gambling.

17. No data provided.

18. No data provided.

19. No data provided.

20. Not applicable.

21. Yes, see question 17.

22. Yes, see question 17.

23. Not specifically.

24. Yes, by coaches and other instructors.

25. Yes, Student Counseling Service.

26. See question 14.

27. Athletes are generally advised by their coaches to avoid harmful health practices, but no formal program exists.

28. Yes, by staff of Department of Intercollegiate Athletics.

29. Yes, through Substance Abuse Program.

30. No.

31. Yes, by Alcohol Drug Educator.

32. No.

33. Yes, by Athletic Department.

34. Not presently.

35. Yes, by coaching staff and Student-Athlete Assistants Program.

36. Yes, by coaches and trainers.

37. Yes, by staff of Department of Athletics.

38. Yes, by coaches, trainers, medical staff, and guests.

39. Yes, by medical staff, team physician, and athletic director.

40. Yes, by the Student Athlete Assistance Program.

Question 19) Does your campus have a drug testing program for student athletes? If so:

19a) Who administers the drug tests?

19b) How are the tests administered?

1. 19a Who Administers. University medical staff.

   19b How Administered. By a structured system.

2. 19a Who Administers. Training staff.

   19b How Administered. Department of Athletics from time to time collects urine samples. May test individuals or entire team. Coaches not notified of decision to test ahead of time. Details on program provided by school.

3. None. However, a University Drug Task Force has been formed to make recommendations.

4. The tests are administered by the sports medicine staff in cooperation with the University Medical Center. Tests are administered as part of the pre-season physical examination and on a random "spot-check" basis throughout the year.

5. Yes, administered by Department of Athletics. See question 14.

6. Yes, see question 14.

7. Yes. See question 14 and 15.

8. See question 14.

9. No. Procedures under development.

10. 19a Who Administers. Head team physician and head athletic trainer.

    19b How Administered. Observed collection of urines at team practice, delivery to our University Hospital, results reported to team physician who is only person who knows code on labels.

11. No.

12. No.

13. No data provided.

14. When the drug testing program is implemented this fall the testing procedures will be administered by a qualified medical professional. The tests will be administered to student-athletes on a random sample through collection (observed) of urine samples.

15. No.

16. Yes. Director of Sports Medicine conducts a urinalysis.

17. See question 14.

18. No data provided.

19. No.

20. Not applicable.

21. Yes, at the beginning of each academic year a presentation is given to all athletes about the drug testing program. As part of the annual physical examination, athletes will be screened for drugs. In addition to the initial screening, each athlete will be randomly and regularly tested a minimum of three additional times during the academic year.

22. Yes.

    19a Who Administers. University Health Service and University Sports Medicine Laboratory.

    19b How Administered. The Emit Drug Test is performed at least twice a year. Notice of the first test is given.

23. No.

24. No.

25. Yes, administered by a drug testing company.

26. See question 14.

27. No.

28. Yes, Student Health Center takes urine specimens.

29. Yes. Director of Sports Medicine and trainers administer breathalyzer and urinalysis.

30. Yes, administered by Head Team Physician. See questions 14 and 15.

31. 19a Who Administers. Athletic Department.

    19b How Administered. See question 14. Testing by outside independent lab.

32. No, being considered.

33. No.

34. No.

35. Yes, the program is administered by the athletic training staff under the supervision of a physician. Tests are urinalysis and can be administered at any time. After the first positive test the athlete is

referred to counseling. With the second positive test, the head coach is informed and disciplinary action may be taken.

36. No.

37. Yes, see question 14.

38. Yes, administered by Intercollegiate Athletics Medical Staff.

39. 19a Who Administers. Team physician and results become confidential medical information.

19b How Administered. During pre-participation phyical and randomly thereafter.

40. Yes.

19a Who Administers. Director of Sports Medicine.

19b How Administered. Urinalysis conducted prior to NCAA post season events or post season bowl games.

Question 20) Does your campus require or recommend drug testing for other campus populations (e.g. general student body, police officers, coaches)?

1. No, in so far as the survey respondent knows.

2. No.

3. No response.

4. All athletic department staff members are subject to random drug tests. At present there is no other drug screening program on campus, although campus police officers are subject to such tests if they are suspected of law or rule violations.

5. Yes, cheerleaders.

6. No.

7. Drug testing for athletes also done for student trainers and student managers of the athletic teams.

8. No.

9. No data provided.

10. All personnel associated with athletic teams: trainers, managers, equipment personnel, etc.

11. No conclusion has been reached regarding drug testing.

12. At present, only new employees of the security department are tested.

13. No data provided.

14. No.

15. No data provided.

16. No.

17. No data provided.

18. No data provided.

19. No.

20. No data provided.

21. No, but the question may be considered by a university task force on drugs.

22. No.

23. No.

24. No.

25. No.

26. No data provided.

27. No.

28. No.

29. No data provided.

30. Yes, everyone associated with the Athletic Department, including the the Athletic Director, is tested like the athletes.

31. No.

32. Not at present.

33. No.

34. Unknown.

35. No.

36. No data provided.

37. No data provided.

38. No.

39. No data provided.

40. No.

FACULTY AND STAFF

Question 21) Are there policies regarding faculty and staff use of alcohol and drugs? If so, please describe.

1. No response.

2. There is a University Rules of Conduct that is very general and essentially says "employees -- are required to conform to professional standards of conduct." It does specify that "illegal use; possession or sale of controlled substances," is unacceptable.

3. Faculty - None, other then termination for cause. Staff - offense under standard of conduct and could result in immediate termination.

4. There are no specific rules concerning alcohol or drug use by faculty or staff members, however the usual "breach of ethics" clauses may apply.

5. No.

6. No.

7. No.

8. No.

9. As state employees, faculty and staff are subject to most of the rules and regulations of other state employees. There are employee assistance programs set up for both alcohol and drug abusers.

10. State law provides for removal for drunkenness.

11. No.

12. Policies are for alcohol only. It is considered a serious offense. Policies apply to staff only, not faculty.

13. No separate policy for faculty and staff. Do have administrative policies relative to possession, use, and distribution of alcohol that are applicable to all employees and students.

14. No data provided.

15. No data provided.

16. No, faculty and staff are expected to adhere to state and federal laws and university policy.

17. No data provided.

18. No data provided.

19. State policies that apply to all state employees.

20. No.

21. No specific policies exist.

22. Use of alcohol or drugs could result in disciplinary action.

23. No, however, there is a general policies and procedures manual.

24. No, just generally policies concerning department.

25. Yes, University Alcohol Policy applies to employees.

26. No general policies.

27. No specific policies.

28. Yes. Faculty could be fired for cause if use resulted in neglect of professional responsibilities or misconduct that impairs academic usefulness.

29. Yes, policies in question 1 and 2 apply to entire university community.

30. For nonacademic personnel, if alcohol and/or drugs have an impact on job performance, employee may be disciplined or discharged.

31. No.

32. Yes, same as applies to students.

33. No.

34. Use of drugs and alcohol at work may result in severe disciplinary action.

35. Use of alcohol and other drugs is prohibited while performing duties. Performance of duties while under the influence of alcohol or other drugs is also prohibited.

36. Same policies as apply to students.

37. No.

38. Yes, there is a Faculty and Staff Assistance Program to which employees may be referred. Sick leave may be granted during medically approved rehabilitation.

39. No.

40. Yes, there are policies controlling the use and purchase of alcohol and drugs.

Question 22) How are these policies enforced?

1. No response.
2. Enforced via counseling and, if necessary, by disciplinary procedures.
3. Faculty - by department chairperson. Staff - by supervisor/personnel office.
4. Not applicable.
5. Not applicable.
6. Not applicable.
7. Not applicable.
8. Not applicable.
9. Individual's supervisor.
10. Ethics Committee. Are appropriate provisions to protect employees rights.
11. Not applicable.
12. First offense - suspension, second offense - dismissal.
13. No data provided.
14. No data provided.
15. No data provided.
16. No data provided.
17. No data provided.
18. No data provided.
19. Through supervisory levels, and campus police.
20. Not applicable.
21. No applicable.
22. Through departments and in coordination with the Personnel Office.
23. Not applicable.
24. Not applicable.
25. Primarily through general education.
26. See question 21.

27. Not applicable.

28. Generally through counseling. Disciplinary proceedings may be instituted if warranted.

29. No data provided.

30. Initially the employee's supervisor. Campus police may be called to investigate some situations.

31. Not applicable.

32. Judiciary process.

33. Not applicable.

34. Through management policy.

35. Supervisors.

36. Department chair or supervisor.

37. Not applicable.

38. Supervisors or department chairpersons.

39. Not applicable.

40. By each department.

Question 23) Please describe special counseling, education, or prevention programs for faculty and staff in regard to alcohol or drug use.

1. No response.

2. Counseling and education are done on a case-by-case basis. There is a weekly Alcoholics Anonymous meeting on campus, and the faculty and staff have access to the counseling services provided by the Counseling Center. In addition, the university is in the process of setting up an Employee Assistance Program, which will provide comprehensive counseling, education, and prevention programs for all employees and their families.

3. State Employees Assistance Services include drug and alcohol counseling. Included in Blue Cross/Blue Shield or Group Health Association packages.

4. No such programs exist at present, although faculty and staff are welcome at education and prevention programs for students. A limited amount of counseling is available through the Student Assistance Program staff, and our group insurance program will pay for outside treatment programs.

5. No information.

6. A wide range of workshops, seminars, etc. sponsored by the Counseling Center.

7. None.

8. There is an Employees Assistance Program where counseling is provided and/or referrals may be made to other agencies.

9. The services of the Campus Counseling Center are available as well as the Employees Assistance Program.

10. University Faculty/Staff Assistance Program - services provided for all faculty and staff.

11. Employees thought to be involved in substance abuse are referred to a state agency separate from the university for counseling and other assistance.

12. Referred to Student Counseling Center for counseling.

13. Office of Human Resources periodically sponsors alcohol awareness workshops. These workshops are available to supervisory personnel and are intended to help them recognize situations where employees in their area of responsibility are experiencing alcoholic problems. The Center for Counseling and Psychological Services at the University Health Center provides counseling to students or employees who request assistance relative to alcohol or drug problems.

14. No data provided.

15. No data provided.

16. Campus resources available to students also available to faculty/staff.

17. University employees may seek help through the Staff Employee Assistance Program and the Faculty Assistance Program. These programs offer professional psychological services to staff and faculty encountering a wide spectrum of personal/job-related problems, including substance abuse.

18. No data provided.

19. There are special services offered by the State Employee's Assistance Program.

20. Not applicable.

21. Not applicable.

22. There is an informal program set up with the Health Center. The Personnel Office is trying to formalize it. The Health Center is used as an employee assistance program.

23. Not applicable.

24. An employee's assistance program is available.

25. Employee Assistance Program.

26. See question 21.

27. An employee's assistance program has been developed by the Personnel Office.

28. In addition to the informative programs of the Institute on Drug Abuse and Addiction, security staff, and Personnel Administration, the university has a "troubled employee" program which provides in-depth assistance for employee-related drug and/or alcohol problems.

29. Employee Assistance Program.

30. None.

31. Mental Health and Student Counseling staff offer free counseling to staff and faculty.

32. Employee Assistance Program.

33. None.

34. Employee Assistance Program and Counseling Center.

35. There are three employee-assistance programs at the university that provide information and referral services on a voluntary, confidential basis to employees. To date, the focus has not been placed on education or prevention. The university does not provide alcohol or other drug counseling for employees.

36. Center for Psychological and Learning Services would make a referral to an outside agency.

37. Not applicable.

38. Faculty and Staff Assistant Program provides special counseling and training programs.

39. Not applicable.

40. Staff of the university hospitals and clinics have access to medical treatment, counseling and referral. Other staff have access to the Occupational Health Office. Access in both instances can be directed or by self referral. Occasionally, staff are referred to the office of student counseling for treatment and/or further referral.

Question 24) Has your campus conducted a survey of alcohol or drug abuse on campus? If so, are the results available, and from whom may they be obtained?

1. No. Good idea but a delicate subject.
2. No.
3. No.
4. No.
5. Yes, campus Alcohol and Drug Resource Center.
6. Some information, Health Education and Student Health Center.
7. No.
8. Yes, 10 years ago.
9. No.
10. No.
11. No.
12. Survey done in 1976, Dean of Students.
13. No data provided.
14. Yes. Extensive survey by university Sociology Department in 1983. Survey included with material.
15. Yes. Spring 1985.
16. No. A student survey about controlled substance abuse is scheduled for this fall.
17. Yes. Spring, 1984 surveys on Drug-Related Issue. Survey enclosed.
18. No data provided.
19. No.
20. No.
21. Yes, Summer of 1986. Any information has to be obtained from university's Task Force on Alcohol and Drug Abuse.
22. No.
23. No.
24. No.

25. Yes, 1980.

26. Yes, May 1985. Chemical Abuse Prevention through Peers (see question 12).

27. In context of a broader survey, students were asked about alcohol and drug use. Results not yet available. Copy of survey included.

28. No.

29. In 1980 a student survey was conducted. It is expected to be repeated in 1986/87.

30. Yes, late 1982.

31. No.

32. Yes, survey provided.

33. No data provided.

34. Yes, Counseling Center.

35. Not recently - the most comprehensive survey was one done in residence halls on alcohol use.

36. Yes, Department of Psychology.

37. Yes, Office of Residence Life.

38. Unknown.

39. Yes, in 1981 by the Student Health Service.

40. No reply.

Question 25) Does your campus have statistics on arrests for alcohol or drug abuse on campus? If so, are these statistics available, and from whom may they be obtained.

1. No response.

2. No.

3. Yes, limited information can be obtained from campus police.

4. A statistical profile of arrests during the 1985-86 academic year is being developed at present. It will be available after November 1, 1986.

5. Yes, University Police Department.

6. Yes, University Police Department.

7. Does not know.

8. Yes, University Police Department.

9. There have been no arrests for alcohol or drug abuse on campus.

10. No.

11. No.

12. Yes, University Department of Public Safety.

13. No data provided.

14. No data provided.

15. Yes, Judicial System Coordinator and Campus Police Chief.

16. Yes, University Police Department.

17. Yes, University Police Department.

18. No data provided.

19. No.

20. No.

21. Yes, University Police Department.

22. Yes, University Police Department.

23. Yes, Director of Public Safety.

24. No.

25. Yes, Director Campus Police.

26. No.

27. Being compiled, not yet available.

28. There has been one on-campus and about six off-campus arrests. It might be added that about four times each year a student "overdoses."

29. Yes, University Police Department.

30. No.

31. No.

32. Yes, Department of Public Safety.

33. No data provided.

34. No.

35. Yes, University Police Department.

36. Probably not, Campus Security.

37. No data provided.

38. No.

39. Yes, University Police Department.

40. No reply.

Participating Institutions

American University
Boston University
Catholic University
Coppin State College
Frostburg State University
George Mason University
Georgetown University
Howard University
Indiana University
Iowa State University
Morgan State University
Ohio State University
Pennsylvania State University
Purdue University
Rutgers University
Salisbury State College
Towson State University
University of Arizona
University of Baltimore
University of California, Berkeley
University of California, Los Angeles
University of Colorado
University of Florida
University of Illinois
University of Iowa
University of Kansas
University of Maryland Baltimore County
University of Maryland Eastern Shore
University of Massachusetts
University of Michigan
University of Minnesota
University of Missouri
University of Nebraska
University of North Carolina
University of Oregon
University of Pittsburgh
University of Texas
University of Virginia
University of Washington
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November 7, 1986

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Chairman
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Dear Mr. Civiletti:

As Chairman of the University of Maryland Task Force on Drug Policies, Enforcement, and Education, you have requested our views on several legal issues Task Force members raised in the course of their deliberations. The questions specifically deal with the legal implications of imposing drug testing on University employees and students; the application of the Fourth Amendment to dormitory students; the responsibility of University administrators to report criminal violations; confidentiality strictures concerning drug test records; and alternative student disciplinary sanctions for drug related offenses.

For the reasons discussed in this advice of counsel letter, we conclude as follows:

1. Mandatory drug testing in the workplace raises serious constitutional concerns. The testing of University employees (or applicants for University employment) is permissible with respect to positions where there is a compelling correlation between drug abuse and performance of special job requirements. Even then, testing must be limited to those employees whose

conduct gives the employer a reasonable, objective basis to suspect illicit drug abuse. Otherwise, mandatory testing of employees is permissible only if based upon particularized probable cause and a legitimate institutional interest in the employee's conduct in the workplace.

2. Mandatory drug testing in the educational setting should be limited to those categories of students where there is a compelling correlation between drug abuse and their performance of particular educational activities; and to those individual students whose behavior provides a reasonable basis for suspicion of illicit drug use.

3. University administrators may search individual dormitory rooms on the basis of reasonable suspicion that the student-resident has violated or is violating the law or rules of the school. Police must search on probable cause. Police and state officials may search with consent and may seize evidence which is in their plain view.

4. University administrators have no legal obligation to report positive results of drug tests or mere knowledge of narcotics violations. However, where University employees act upon this knowledge and seize contraband on campus, such evidence should not be withheld from the police.

5. Drug test records are confidential under state and federal law and may not be disclosed by university administrators unless compelled to do so by court order.

6. The propriety of prohibitions on and sanctions for drug-related conduct is in the first instance a matter of educational policy in which the courts will intervene where constitutional rights are implicated. Specifically, the Due Process Clause requires that: the drug test procedure not be arbitrary and capricious; that the students be given notice of the relevant prohibitions and sanctions; that the procedures be reliable and confidential; and that substantial sanctions, in most instances, be preceded by the opportunity to appeal such sanctions.

I. The Legality of Conditioning Employment Status at the University of Maryland on the Results of Drug Testing.

In a formal Opinion issued two weeks ago, the Attorney General reviewed the legality of drug testing of State employees, as well as applicants for State jobs. 71 Opinions of the Attorney General ___ (1986) [Opinion No. 86-055 (October 22, 1986)]. The opinion letter comprehensively covers employment drug testing issues and, though it is directed to the Secretary of Personnel, the conclusions apply with equal force to the University of Maryland. Accordingly, we have attached a copy of the Opinion (Attachment A) and summarize below central points adapted to the University context.

1. Mandatory testing of employment applicants, and denial of employment to those who test positive, is legally permissible on a selective basis, i.e. for positions where drug abuse would likely make applicants unable to perform the job duties or would likely present a danger to the public or to property. Moreover, even in these limited instances where drug testing is a legally permissible prerequisite to employment, it may not operate as a permanent bar to University employment or stigmatize applicants such that they are effectively foreclosed from taking advantage of other employment opportunities.

2. Mandatory testing of employees in general would be legally permissible only if based on particularized probable cause. However, termination of employment, if based on the positive results of such testing, would conflict with Section 504 of the Rehabilitation Act of 1973, which prohibits employment and other discrimination against an "otherwise qualified handicapped individual", including a person who is an alcohol or drug abuser.

3. Mandatory testing of employees whose work is directly related to public safety would be legally permissible under those circumstances where the employer has a reasonable, objective basis to suspect illicit drug use by a particular employee. Termination of employment, if based on the positive results of such testing, would likewise be legally permissible, as would some form of discipline for refusal to submit to testing under these circumstances.

4. Any testing program must include reasonable steps to ensure the objectivity of the testing program, the reliability of the procedure, and the accuracy and confidentiality of the results. In addition, discipline (including termination) must comply with applicable personnel procedures, e.g., termination of a classified employee must be preceded by notice and an opportunity for a hearing.

II. The Legality of Conditioning Student Status at the University of Maryland on the Results of Drug Testing.[1/]

A. Mandatory Drug Testing of All Students.

In our view, a mandatory testing requirement which would subject the entire student body to actual testing or to the possibility of random testing would violate the Fourth Amendment prohibition against "unreasonable searches and seizures." See New Jersey v. TLO, 105 S.Ct. 733 (1985); Terry v. Ohio, 392 U.S. 1 (1968). Note, Dragnet Drug Testing in the Public Schools and the Fourth Amendment, 86 Colum. L. Rev., 852, 858, n.35 (1986).

Nor can the University justify such generalized testing as an administrative search, which is permissible under the Fourth Amendment in the most compelling circumstances. Jones v. Latexo Indep. School Dist., 499 F.Supp. 223, 234 (E.D. Tex. 1980); Kuehn v. Renton School Dist., 103 Wash. 2d 594, 601-02, 694 P.2d 1078, 1082 (1985). Again, analysis requires that a balance of competing interests be struck, Camara v. Municipal Court, 387 U.S. 523, 534-35 (1967). The institution's need to search - arguably an expedient method of preserving a safe and healthy educational environment against the consequences of widespread drug abuse - is weighed against the consequential intrusion. The reasonableness of a general exploratory search would depend on the following factors:

a. The existence of detailed test procedures that have been properly authorized, that specify the consequences of positive test results, and that provide for safeguards against discretionary testing.

b. The kind and degree of intrusiveness on the students' reasonable expectations of privacy.

c. The efficacy of the testing procedures (e.g. scheduling) as a means of achieving the espoused objectives, and the availability of less intrusive alternatives.

d. The extent to which the nature of the problem generates articulable suspicious behavior by which individual drug abusers might be identified.

[1/] A previous Advice of Counsel letter, dated January 30, 1985, addressed this issue as it relates to student athletes. See Attachment B.

In short, given the strong privacy interests involved, we cannot envision circumstances that would be sufficiently compelling as to justify uncategorical mandatory testing of students as an administrative search.[2/]

B. Categorical and Individualized Testing of Students.

Drug testing of students on a categorical or individualized basis would be constitutionally permissible where:

1. The classification of particular groups of students to be tested rationally relates to a legitimate state interest or public purpose. Plyler v. Doe, 457 U.S. 202, 216-17, n.14, 102 S.Ct. 2382, 2394-95, n.14 (1982).[3/]

2. The regulation is published in such a way as to give notice of the requirement/prohibition and its sanctions and to limit the opportunity for subjective appraisals. Wright v. Arkansas Activities Association, 501 F.2d 25, 28-29 (1974).

3. The procedures by which a student would be expelled or suspended for any significant period of time - or sanctioned by removal of certain privileges which may have the attributes of property (extracurricular activities, housing, financial aid) - provide some kind of notice and hearing and such other procedural elements as might be required by a balancing of the

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[2/]As Ellen Alderman concluded in her Note, "[W]here...the search proposed is personally intrusive, the nature of the problem is such that it generates articulable grounds for suspicion and a search without any individualized suspicion provides at best an incremental contribution to the curtailment of drug use, the intrusion violates the student's reasonable expectation of privacy and cannot be justified under the Fourth Amendment." Id. at 874.

[3/]For example, drug testing of athletes - as opposed to the entire student body - is justified on the grounds of health, performance and safety in an organized activity which is integral to the institution and its purposes. See generally Advice of Counsel letter, Attachment B.

student's and the institution's interests. Goss v. Lopez, 419 U.S. 565, 579, 584, 95 S.Ct. 729, 738, 741 (1975).4/

4/ I.e., fair and timely notice; hearing; opportunity to prepare; impartial tribunal; presentation of evidence and testimony; confrontation of adverse evidence and testimony. Again, steps should be taken to ensure the reliability and accuracy of the testing procedure; and that consent to the test is informed and voluntary. In all cases, termination would have to be for violation of the University's rules. See Albach v. Adle, 531 F.2d 983, 985 (10th Cir. 1976):

> "Goss recognizes a student's entitlement to a public education as a property interest which is constitutionally protected...But it is necessary to note that in framing the property interest the Court in Goss speaks in terms of the educational process. 419 U.S. at 576, 95 S.Ct. at 737, 42 L.Ed.2d at 735. The educational process is a broad and comprehensive concept with a variable and indefinite meaning. It is not limited to classroom attendance but includes innumerable separate components, such as participation in athletic activity and membership in school clubs and social groups, which combine to provide an atmosphere of intellectual and moral advancement. We do not read Goss to establish a property interest subject to constitutional protection in each of these separate components."

See also Parish v. National Collegiate Athletic Association, 506 F.2d 1028, 1034 n.17 (5th Cir. (1975)):

> "Appellants wisely abandoned at oral argument their attempt to create a property interest out of the alleged injury to their hoped-for careers in professional basketball from the inability to gain tournament experience and television exposure. Both the injury and the career are far too speculative to establish a property interest as defined in Roth."

See also Colorado Seminary v. N.C.A.A., 417 F.Supp. 885 (D. Colo. 1976), aff'd 570 F.2d 320 (10th Cir. 1978), which held that college athletes had no property or liberty interests in participating in intercollegiate sports or post-season competition or in appearing on television. Such interests did (cont'd.)

4. It is reasonable under the circumstances:

> "The test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application. In each case it requires a balancing of the need for the particular search against the invasion of personal rights that the search entails. Courts must consider the scope of the particular intrusion, the manner in which it is conducted, the justification for initiating it, and the place in which it is conducted." Bell v. Wolfish, 441 U.S. 520, 559 (1979).

Practically, this means that the University would have to (a) identify those categories of students who may because of their particular activities have diminished expectations of privacy in their bodily functions, (b) identify the University's interests which make testing imperative and justify the test as a condition of status and (c) be unable to identify a less intrusive alternative mechanism by which its objective(s) might be achieved.

Within that formulation, it can be reasoned that the balance of interest should be struck in favor of institutional interests with regard to student athletes. Arguably, student athletes should expect less privacy, given both the traditional emphasis on physical performance and the associated examinations and training regimen. By the same token, the University has a legitimate interest in the physical and mental performance of the student-athlete, the safety of the competitive event, the integrity of athletic competition and the reputation of the institution.[5/] Justification of selective testing of other

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exist in athletic scholarships.

By contrast, several other cases have held that the opportunity to participate in intercollegiate athletics is a property interest entitled to due process protection because of the possibility of remunerative careers and because athletic activity is an important part of the athlete's education. See Behagen v. Intercollegiate Conference of Faculty Representatives, 346 F.Supp. 602 (D. Minn. 1972); Hall v. University of Minnesota, 530 F.Supp. 104 (D. Minn. 1982).

5/Although the Attorney General's Opinion "[did] not address the constitutionality of drug testing outside the employment context," 71 Opinions of the Attorney General ____ at n.12, our examination has applied the same principles and is generally (cont'd.)

categories of students (if any) would have to undergo a similar analysis.

Lastly, the Fourth Amendment permits those limited or individualized searches which are conducted on the basis of a reasonable suspicion that a violation has occurred and on the basis of consent.[6/]

C. Mandatory Drug Testing of Applicants for Admission.

Mandatory testing of applicants for admission might conflict with the Rehabilitation Act, 29 U.S.C., §794, if such requirement would, effectively, bar admission to applicants who have a record of an impairment or are regarded as having an impairment which is comprehended by the statute. Drug addicts and persons with histories of drug use are deemed "handicapped individuals" for purposes of the Rehabilitation Act. David v. Bucher, 451 F.Supp. 791 (D.C. Pa. 1978); 43 Op. Atty Gen., Apr. 12, 1977. If testing indicates anything more than evidence of recent use then arguably it is used as conclusive evidence of regular use - that is to say an "impairment" which may affect the admission decision.

The Rehabilitation Act prohibits an educational institution from denying admission to a "qualified handicapped" person - a person who "meets the academic and technical standards requisite to admission or participation in the recipient's education program or activity." 34 C.F.R. §104.3(k)(3). Recent judicial construction of this prohibition would suggest that while a handicap in and of itself "is not a permissible ground for assuming an inability to function in a particular context,"

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consistent with the conclusions set forth in the Opinion.

The primary tenet in both analyses is that the test of reasonableness under the Fourth Amendment requires a balancing of interests under particular circumstances. These circumstances are determinative of the outcome. Therefore, while a balancing of the facts on which the Opinion was based resulted in a conclusion that "reasonable suspicion" is a prerequisite to testing even in job categories where probable cause is not required, the same balancing test when applied to the particular circumstances of intercollegiate athletics would, in our view, justify drug testing of athletes without either probable cause or reasonable suspicion. The interest of the University, in these circumstances, is more substantial than that of the student-athlete.

6/ See 71 Opinions of the Attorney General at ____. Note, Dragnet Drug Testing in Public Schools and the Fourth Amendment, 86 Colum. L. Rev. at 857, citing Terry v. Ohio, 392 U.S. at 21, and New Jersey v. TLO, 105 S.Ct. at 743.

"reasonable physical qualifications" may be imposed where such qualifications are necessary for participation in the school's programs. Southeastern Community College v. Davis, 442 U.S. 397 (1979). Also see Pushkin v. Regents of University of Colorado, 658 F.2d 1372 (C.A. Colo. 1981); Doe v. New York University, 666 F.2d 761 (C.A. N.Y. 1981); Plummer v. Branstad, 731 F.2d 574 (C.A. Iowa 1984).

In any event, the Rehabilitation Act has effectively codified the constitutional right to equal protection. Halderman v. Pennhurst State School and Hospital, 446 F.Supp. 1295 (ED Pa. 1977), aff'd in part, rev'd in part on other grounds, 612 F.2d 84 (3rd Cir. 1979), rev'd on other grounds, 451 U.S. 1 (1981), on remand 673 F.2d 647 (3rd Cir. 1982), rev'd and remanded 465 U.S. 89 (1984). Thus, this is an area in which the University should proceed with extreme caution in recognition of the fact that the law has yet to develop clear guidelines regarding the appropriateness of physical requirements in the admissions process. The testing requirement and exclusion of drug abusers should at the very least be based on substantial justification. Kampmeier v. Nyquist, 553 F.2d 296 (C.A. N.Y. 1977).

III. The Fourth Amendment Protection of a Dormitory Student's Privacy Rights.

A. General Requirements.

The Fourth Amendment protects persons from searches and seizures which are unreasonable either because such actions are not based on particularized suspicion of the person or place to be searched or because the circumstances are not so extreme and compelling as to justify a blanket "administrative search." That protection extends to University dormitory residents. People v. Cohen, 292 N.Y.S.2d 706, 713 (1968); Piazzola v. Watkins, 442 F.2d 284, 289 (5th Cir. 1971).

Although there is no direct authority on the point, case law would suggest that a student can implicitly waive his Fourth Amendment rights by contract, e.g. in a provision consenting to entry by authorized personnel to make inspections for health, maintenance, safety, sanitation and the like. However, these provisions are interpreted narrowly with respect to both the object of the search and the identity of the searcher. Dormitory rooms may be searched by University administrators (including residence hall staff) and police officers - each with different objectives and according to different standards. Consent to search by "authorized personnel" can not be assigned to other persons.[7/]

[7/] Chapman v. United States, 365 U.S. 610 (1951) and People (cont'd.)

B. Searches Conducted By University Administrators.[8]

In the absence of consent or those compelling and carefully delineated circumstances which rationalize general exploratory searches, university administrators may search individual dormitory rooms where there exist reasonable grounds for suspecting that the search will turn up evidence that the student-resident has violated, or is violating, the law or rules of the school. New Jersey v. TLO, 105 S.Ct. at 744; Moore v. Student Affairs Committee of Troy State University, 284 F.Supp. 725 (1968).[9]

C. Searches Undertaken by University and Other Police.

Police officers are constrained by the Fourth Amendment to conduct searches of dormitories pursuant to warrants issued on probable cause, unless exigent circumstances require otherwise. People v. Cohen and Piazzola v. Watkins, supra; Smyth v. Lubbers, 398 F.Supp. 777 (1975); Commonwealth v. McCloskey, 272 A.2d 271 (1970). This standard requires individualized suspicion. Ybarra v. Illinois, 444 U.S. 85, 91 (1979).

D. The "Plain View" Doctrine.

While the Fourth Amendment protects personal privacy from unreasonable searches and seizures, there is no reasonable expectation of privacy in what is exposed to the public in sight, sound or smell. The police and state officials may seize that contraband and evidence of crime which is in their plain view. Jones v. Latexo Independent School District, 499 F.Supp. 223, 231-32 (E.D. Tex. 1980).

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v. Cohen, 292 N.Y.S.2d at 709 (landlord's right to enter does not extend to the police); Stoner v. California, 376 U.S. 483 (1964) (desk clerk's right to enter does not extend to the police).

[8] This category includes residence hall staff but would probably exclude non-ministerial personnel, who could search only with the consent of the student-resident. Ohio v. Wingerd, 318 N.E.2d 866 (1974).

[9] "It is not clear, however, whether the level of suspicion required to conduct a search depends on whether school officials are acting independently or in collaboration with law enforcement agents. See New Jersey v. TLO, 105 S.Ct. at 744 n.7 (1985)". Note, Dragnet Drug Testing in Public Schools and the Fourth Amendment, 86 Colum. L. Rev. 852 at n.3. Prudence dictates that the roles be performed separately.

E. Consent.

Where it is clear from the totality of the circumstances that consent has been freely and voluntarily given, reasonable suspicion and probable cause are unnecessary. Jones, 499 F.Supp. at 237, citing Schneckloth v. Bustamonte, 412 U.S. 218, 222 (1973); United States v. White, 617 F.2d 1131, 1134 (5th Cir. 1980).

F. Illustrative Hypotheticals.

1. A university police officer arrested a student for illegal possession of alcoholic beverages and accompanied the student to his dorm room to retrieve his identification. While waiting for the student in the doorway to his room, the officer observed marijuana seeds and a pipe lying on a desk in the room; he entered the room and seized the contraband.

Principle: "This is a classic instance of incriminating evidence found in plain view when a police officer, for unrelated but entirely legitimate reasons, obtains lawful access to an individual's area of privacy." State of Washington v. Chrisman, 102 S.Ct. 812 (1982).

Note: This principle equally applies to university staff and administrators in the normal performance of their duties.

2. The Residence Hall Administrator received a complaint that drugs were being used at a party in Mary's room. [The university's regulations prohibited use, possession and distribution of drugs on university premises.] Whereupon, the Administrator went to Mary's room to investigate the complaint. Mary's door was closed. The Administrator knocked, identified himself, and asked for permission to enter. There was no answer. The Administrator waited a few seconds, tried the door knob and, finding it unlocked, entered the room. He found Mary and a group of students in the room. He informed Mary that he had heard that illegal drugs were being used in the room, and asked Mary if she would consent to a search of the room. She refused, but the Administrator searched anyway. He discovered several plastic bags containing a white powder and various drug paraphernalia. He seized this evidence, notified the police, and gave it to them. The police tested the white powder, and identified it as cocaine.

Principle: "The constitutional boundary line between the right of school authorities to search and the right of a dormitory student to privacy must be based on a reasonable belief on the part of the college authorities that a student is using a dormitory room for a purpose which is illegal or which would otherwise seriously interfere with campus discipline." Moore v.

Student Affairs Committee of Troy State University, 284 F.Supp. 725 (1968).

3. The campus police informed the University administration that they had reason to believe Tom and Jerry, two students sharing a dorm room on campus, were selling illegal drugs in that room. [The University's regulations included a reservation of the right to enter rooms for inspection purposes.] University officials and police entered the dormitory without a warrant and found drugs, paraphernalia, and a notebook that apparently contained the names of Tom's and Jerry's customers. They seized this evidence and both criminal and disciplinary proceedings were brought against Tom and Jerry.

Principle: "True the University retains broad supervisory powers which permit it to adopt the regulation heretofore quoted, provided that regulation is reasonably construed and is limited in its application to further the University's function as an educational institution [footnote omitted]. The regulation cannot be construed or applied so as to give consent to a search for evidence for the primary purpose of a criminal prosecution [footnote omitted]. Otherwise, the regulation itself would constitute an unconstitutional attempt to require a student to waive his protection from unreasonable searches and seizures as a condition to his occupancy of a college dormitory room...Clearly the University had no authority to consent to [footnote omitted] or join in a police search for evidence of crime [footnote omitted]." Piazzola v. Watkins, 442 F.2d 284, 289 (1971). Also see Commonwealth v. McCloskey, 272 A.2d 271 (1970).

IV. The Responsibility of University Administrators to Report Drug Test Results and Criminal Violations to Law Enforcement Agencies.

A. Responsibility of Campus Police Officers.

The nature and extent of a college police officer's responsibility to report crime and the extent to which college administrators have control over that obligation is set forth in a previous opinion letter. 59 Opinions of the Attorney General 565 (1974). This opinion makes clear the obligation of campus police officers to report fully criminal activities occurring within their jurisdiction, to deliver evidence, and to arrest where required by law. Failure of the police officer to do so constitutes malfeasance. A college administrator who willfully interferes with the police officer's discharge of these responsibilities may be found guilty of aiding and abetting the officer in malfeasance.

B. Responsibility of Campus Administrators.

However, at issue here is the administration's obligation, in the first instance, to report to the police the results of positive drug tests and other potential narcotics violations discovered on campus. For the reasons discussed below, it is our view that university employees do not have an obligation either by statute or under penalty of criminal law to disclose the positive results of drug testing. Likewise, university employees do not have an obligation either by statute or under penalty of criminal law to report to the police mere knowledge of narcotics violations. However, where university employees act upon this knowledge and seize contraband on campus, such evidence, we believe, cannot be withheld from the police.

School authorities, unlike campus police officers, take no oath of office and have "no law enforcement responsibility or indeed any obligation to be familiar with the criminal law." See New Jersey v. TLO, (concurring opinion of Justice Powell). Justice Powell explained the difference between law enforcement officers and educators as follows:

> "Law enforcement officers function as adversaries of criminal suspects. These officers have the responsibility to investigate criminal activity, to locate and arrest those who violate the law and to facilitate the charging and bringing of such persons to trial. Rarely does this type of adversarial relationship exist between school authorities and pupils. Instead there is a commonality of interests [between them]..." 105 S.Ct. at 748.

Because we have found no statute or cases that impose upon school authorities, other than campus police, specific law enforcement responsibilities, we conclude that a university employee's responsibility under the criminal law to report crimes and to deliver criminal evidence to the police is the same as the duty of an ordinary citizen in these circumstances.[10] However, the obligation to report crimes and the obligation to deliver evidence of a crime to the police are distinct questions involving different obligations under the criminal law.

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[10] Compare Maryland Code Family Law Article §5-903, which requires that educators report incidents of child abuse which come to their attention.

A citizen's failure to report a felony is not a crime in Maryland. Pope v. State, 284 Md. 309, 352 (1979).[11] While the Court of Appeals in Pope recognized that failure to report a felony is a common law crime, it flatly refused to adopt it as part of Maryland common law, holding that the crime is "impractical", "indiscriminate" and fraught with "obvious deficiencies." 284 Md. at 352. More specifically, the Court of Appeals refused to sanction criminally the failure to report a felony where the court could not itself determine when the duty to disclose the crime arises. Rhetorically, the court asked:

> "How precise and certain [must the accused's knowledge be before he is charged with failing to disclose]? Is the duty to be confined to felonies committed in the presence of the accused or is hearsay alone sufficient? Should the felon's own admission, standing alone, be sufficient?"

The common law settled none of these questions, hence the Court of Appeals refused to make failure to report a felony a chargable offense in Maryland.

C. Dealing With Suspected Drug Violations.

The criminal law, however, does impose an obligation, in certain circumstances, to deliver to law enforcement agencies actual evidence of a crime and failure to do so may constitute obstruction of justice. Obstruction of justice is a common law crime recognized in Maryland that is defined generally to mean "...impeding or obstructing those who seek justice or those whose duties or powers involve administering justice." 67 C.J.S. Obstruction of Justice, §2 at p.120. It is an obstruction of justice: (1) "to stifle, suppress, or destroy evidence", see United States v. Perlstein, 126 F.2d 789 (3rd Cir. 1942); (2) to obstruct a criminal investigation, see Commonwealth v. Evans, 154 A.2d 57 (Pa. 1955) cert. denied 364 U.S. 899 (1960); and (3) to obstruct or interfere with an officer in the performance of a duty, see Commonwealth v. McKarski, 222 A.2d 411 (Pa. 1963). Each variation of the crime generally requires knowledge that a criminal investigation is ongoing and that the evidence destroyed is sought by the investigating officer. However, the crime of obstruction of justice "is sufficiently broad to punish as a

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[11] i.e., unlawful manufacture, distribution, and counterfeiting of controlled dangerous substances along with the manufacture and possession of certain equipment for illegal use are felonies. See Md. Code Article 27, §286. Unlawful possession of a controlled dangerous substance or drug paraphernalia is a misdemeanor. See Md. Code Article 27, §287.

misdemeanor, although there be no exact precedent, any act which...obstructs or prevents public justice or the administration of government." (emphasis added) Commonwealth v. Mochan, 110 A.2d 780, 790 (Pa. 1955). Under this broad definition the crime arguably may include mere failure to deliver criminal evidence to the police.

The circumstances in which university employees may encounter drug violations will vary from mere suspicion that certain students possess drugs or drug paraphernalia to the actual seizure of contraband. Additionally, the nature and scope of the drug activity encountered may range from drug possession to the more serious crimes of drug manufacture and distribution. Given the myriad circumstances in which drug activity may be encountered on campus, we cannot by this letter advise what University procedure should be in each instance. However, in light of the above legal discussion, we have set forth below what we believe to be prudent policy regarding the handling of actual and suspected drug violations on campus.

A positive drug test result would reasonably lead University employees to suspect that the student recently was in possession or control of an illegal drug. However, having an illegal drug in the body is not a crime in Maryland. See Franklin v. State, 8 Md. App. 134, 138 (1970). Moreover, it is highly doubtful that positive test results constitute admissible evidence of drug possession. See Kane v. Fair, 33 Cr.L. 2492 (Mass. Superior Ct. 1983), holding that such evidence is not scientifically reliable under the standard adopted in Frye v. U.S., 293 F.Supp. 1013 (D.C. Cir. 1923). See also Reed v. State, 283 Md. 374 (1978), holding the Frye test applicable in Maryland. See generally Dragnet Drug Testing, 86 Colum. L. Rev. 852 at 854, 855. Certainly, if there is no obligation in Maryland to report a crime, there is no obligation to report a suspicion that a crime has been committed. We therefore conclude that there is no obligation under Maryland criminal law to report to the police the positive results of drug testing.

The question of whether to report other "potential" narcotics violations depends upon the nature and extent of the criminal activity suspected. While there is no obligation to report criminal activity, we believe it prudent that University employees report to the police drug activity which they reasonably believe involves the manufacture and distribution of drugs. Such activity should be criminally sanctioned and requires the expertise of the police to investigate and charge. Indeed to do otherwise would ignore the pervasive harm that the distribution of drugs causes to the health, safety and order of the campus. On the other hand, we believe that University employees may exercise discretion in deciding whether to report to the police students suspected of occasional and personal drug use. Administrative sanctions in these circumstances may be

sufficient to deter the conduct. Where, however, University employees seize suspected contraband on campus, we advise that the substances seized be promptly delivered to the police, regardless of the quantity involved.[12] This will allow the police to determine, in the first instance, whether the substance is a controlled dangerous substance. See Md. Ann. Code Courts and Judicial Proceedings Article §10-1001. Additionally, failure to deliver suspected narcotics to the police may obstruct a criminal investigation. For instance, suspected narcotics violations are frequently conducted undercover; accordingly, University employees often will not know whether such investigations are ongoing. Should the employee seize suspected narcotics during the investigation and not deliver them to the police, the criminal investigation may be obstructed. Given the foreseeability of such a consequence, we can see no valid reason for not delivering the suspected narcotics to the police.

V. The Ability of University Administrators to Maintain the Confidentiality of Drug Test Records.

A. Summary.

Drug test records are medical records under the Maryland Public Information Act,[13], St. Gov't Art., §§10-611 - 10-628, and educational records under the Federal Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. 1232g, et seq. ("Buckley Amendment"). These documents may not be disclosed by University administrators unless compelled to do so by court order.

B. Public Information Act.

Drug test records are documentary material prepared by the University in connection with the transaction of public business. As such, they are public records. St. Gov't Art., §10-611(f). The general mandate is that public records must be disclosed for public inspection, unless otherwise provided by law. St. Gov't Art., §10-613(a). See Superintendent, Maryland State Police v. Henschen, 279 Md. 468 (1977). However, the

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[12]/Unlike most other property, the mere possession of controlled dangerous substances is a crime. See Md. Code Art. 27 §277(S).

[13]/See generally, 71 Opinions of the Attorney General ____ (1986) [Opinion No. 86-025 (April 14, 1986)], [confidentiality of recordings of 911 emergency calls], which provides a comprehensive discussion of the pertinent issues.

Public Information Act provides several exceptions which are applicable here.

Public records must be withheld from disclosure to the extent that inspection would be contrary to federal law - in this case, the Buckley Amendment. St. Gov't Art., §10-615(2)(ii). (This statute is discussed in the following section.) The State Public Information Act generally denies access to educational records "unless otherwise provided by law." 61 Opinions of the Attorney General 340 (1976).

Public records must be withheld from disclosure to the extent that they include medical or psychological information about an individual. St. Gov't Art., §10-617(b). As we understand the procedure at the College Park campus, the testing and counseling will be done by the Student Health Service and records will be maintained confidentially in the custody of the Service. Disclosure of these records is prohibited, except that the student on whom the record is maintained may inspect it in accordance with Health-General Article §4-302. St. Gov't Art., §10-617(a)(4) and (b).[14]

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[14] (a)(4) 'Person in interest' means:

(i) As to a minor on whom a medical record is kept:

1. The adult;
2. A designee of the adult; or
3. If the adult has been adjudicated a disabled person, the spouse or a legal representative of the adult.

(b) Disclosure to person in interest. - (1) Except as otherwise provided in this subsection, a facility shall comply within a reasonable time after a person in interest requests, in writing:

(i) To receive a copy of a medical record; or
(ii) To see and copy the medical record.

(2) If a medical record relates to a psychiatric or psychological problem and the attending physician believes disclosure of the medical record to be medically contraindicated, the facility may refuse to disclose the medical record but, on written request, shall make a summary of the medical record available to the person in interest.

(3) If a medical record that is kept on a minor relates to diagnosis or treatment of a venereal disease or to use of a drug, the facility is not required to disclose the medical record to any person other than the minor or a designee of the minor. (cont'd.)

C. The Buckley Amendment.

The Buckley Amendment applies to documentary material which contains information directly related to students and from which they can be individually identified. 20 U.S.C. 1232g(a)(4).[15] Such information may not be disclosed without the student's (or in the case of a minor, his parent's) permission, unless specific exceptions apply. Medical records would generally be excluded from the ambit of this law. 20 U.S.C. 1232g(d).

In this case, the drug testing records are considered educational records because, although they (1) are created and maintained by a physician (or paraprofessional) acting in his [para]professional capacity; and (2) are created and maintained only in connection with provision of treatment to the student; and (3) are not disclosed to anyone other than individuals providing treatment, the "treatment" which is provided to the student is a series of "remedial, educational activities or activities which are part of the program of instruction at the [University]." 20 U.S.C. §1232g(a)(4).

VI. The Distinction Between "Simple Possession" and "Distribution" of Controlled Dangerous Substances as a Basis for Disciplinary Expulsion.

A. Policy Considerations.

The University has promulgated a number of regulations which govern the conduct of students[16] and prohibit a wide range of behaviors which jeopardize the safety and well-being of the campus community - from minor behaviors to those which are inherently and patently dangerous to the student or the community. Accordingly, sanctions also span the spectrum of severity and apparently assume the significance of circumstances.

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(4) A facility may require a person in interest who requests a copy of a medical record to pay the prevailing cost of copying.

[15]/This law does not apply to the records of applicants for admission. 20 U.S.C. 1232g(a)(5).

[16]/For purposes of this analysis, the primary rules are found in the University of Maryland College Park Code of Student Conduct and Hallways, which sets forth the residence hall rules and adjudication process.

Use or possession of any controlled substance or illegal drug on University premises or at University sponsored activities may be sanctioned by expulsion, suspension, probation, reprimand or other penalties. In contrast, unauthorized distribution of any controlled substance or illegal drug on University premises or at University sponsored activities may result in expulsion [or housing termination] "unless specific and significant mitigating factors [or 'aggravating circumstances'] are present." Ostensibly, this distinction in sanctions reflects the public policy concerns which in criminal law make possession a misdemeanor and distribution a felony crime. These sanctions also reflect the resources available to the institution.

More importantly, the distinction in available sanctions reflects the educational purposes of the institution. Thus, the underlying rationales are deterrence and reform, and affirmation of the autonomy and integrity of the offender:

> "Education in any meaningful sense includes the inculcation of an understanding in each pupil of the necessity of rules and obedience thereto. This understanding is no less important than learning to read and write. One who does not comprehend the meaning and necessity of discipline is handicapped not merely in his education but throughout his subsequent life." (Code of Student Conduct, at n.1, citing Goss V. Lopez, (Powell, J., dissenting) 95 S.Ct. 729, ____, 42 L.Ed.2d 725, 745.

The propriety of prohibitions on and sanctions for drug-related conduct in this context has given rise to a controversy of opinions.[17] Some observers advocate automatic dismissal for any drug offense because "there is every indication that [second chance] policies not only fail to reduce the incidence of drug use in the school, they seem to positively support it." Richard A. Harvey, A School Answers Back (American Council for Drug Education, 1984). Others maintain that consistent and moderate punishment is likely to have more deterrent value than the infrequent imposition of severe penalties - See, Richard Schwartz and Sonya Orleans, "On Legal Sanctions," 34 U. Chi. L. Rev., 275 (1967) - and that "the indiscriminate enforcement of excessively severe drug laws increases disrespect for the law on the part of young people and tends to alienate them from society..." Report of the Senate Committee on Labor and Public Welfare, cited in

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[17]/An extensive source document has been prepared by Gary Pavella, Director of the UMCP Judicial Program Office, and is available upon request.

Working Papers, National Commission on Reform of Federal Criminal Laws, U.S. Government Printing Office, 1970, p.1072.

B. Legal Considerations.

The courts have shown considerable deference to the University's regulation of student conduct - even that which also constitutes a violation of criminal law - intervening where constitutional rights have been implicated. Epperson v. Arkansas, 393 U.S. 97 (1968). In that regard, it has been assumed that a property or liberty interest is implicated in the suspension or dismissal of a student from a public university. Board of Curators of the University of Missouri v. Horowitz, 435 U.S. 78 (1978). In addition, the opportunity to participate in intercollegiate athletics and athletic scholarship awards have been held in some jurisdictions to be property or liberty interests. As a consequence, sanctions which constitute a deprivation of such an interest for a substantial period of time must comport with the Due Process Clause.

The "rudimentiary elements of fair play" in disciplinary proceedings were set out in Dixon v. Alabama Board of Education, 294 F.2d 150 (5th Cir. 1961), cert. denied, 368 U.S. 930, 82 S.Ct. 368 (1961):[18]

a. Notice of specific charges;

b. Hearing with an opportunity to defend and to present witnesses;

c. Names and summary of anticipated testimony of adverse witnesses; and

d. A written report of the findings of the hearing body (where it is not the ultimate decisionmaker.)[19]

[Given the flexible nature of the Due Process standard, it bears repeating here that reliance on drug test results as a basis for deprivation of a liberty or property interest requires that reasonable steps be taken to ensure the accuracy, reliability and confidentiality of the testing procedure. Moreover, steps should be taken to ensure that the student-athlete is given prior notice that the test is a precondition of

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[18] Also see Herman v. University of South Carolina, 457 F.2d 902 (4th Cir. 1972).

[19] These requirements are greater than those of Goss v. Lopez 419 U.S. 565, 95 S.Ct. 729 (1975), which suggests that the process due is a function of the nature of the penalty.

his status as an athlete and related benefits and to ensure that his consent is informed and voluntary.]

The substantive requirement of the Due Process Clause - that the State's action not be arbitrary or capricious - is met so long as the disciplinary standards are reasonably relevant to the lawful mission, processes, and functions of the institution. See Esteban v. Central Missouri State College, 415 F.2d 1077 (8th Cir. 1969), cert. denied 398 U.S. 965 (1970).

VII. Conclusion.

In summary, it is our view as counsel to the University of Maryland that:

1. Mandatory drug testing in the workplace raises serious constitutional concerns. The testing of University employees (or applicants for University employment) is permissible only with respect to positions where there is a compelling correlation between drug abuse and performance of special job requirements. Even then, testing must be limited to those employees whose conduct gives the employer a reasonable, objective basis to suspect illicit drug abuse. Otherwise, mandatory testing of employees is permissible only if based upon particularized probable cause and a legitimate institutional interest in the employee's conduct in the workplace.

2. Mandatory drug testing in the educational setting should be limited to those categories of students where there is a compelling correlation between drug abuse and their performance of particular educational activities; and to those individual students whose behavior provides a reasonable basis for suspicion of illicit drug use.

3. University administrators may search individual dormitory rooms on the basis of reasonable suspicion that the student-resident has violated or is violating the law or rules of the school. Police must search on probable cause. Police and state officials may search with consent and may seize evidence which is in their plain view.

4. University administrators have no legal obligation to report positive results of drug tests or mere knowledge of narcotics violations. However, where University employees act upon this knowledge and seize contraband on campus, such evidence should not be withheld from the police.

5. Drug test records are confidential under state and federal law and may not be disclosed by university administrators unless compelled to do so by court order.

6. The propriety of prohibitions on and sanctions for drug-

related conduct is in the first instance a matter of educational policy in which the courts will intervene where constitutional rights are implicated. Specifically, the Due Process Clause requires that: the drug test procedure not be arbitrary and capricious; that the students be given notice of the relevant prohibitions and sanctions; that the procedures be reliable and confidential; and that substantial sanctions, in most instances, be preceded by the opportunity to appeal such sanctions.

If any further questions arise, feel free to contact us.*/

Sincerely,

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Andrea Hill
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JJM/AH:bjg

Attachments

cc: Dr. John B. Slaughter
Dr. John S. Toll
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*/Assistant Attorney General Michael A. Anselmi also participated in preparing this advice of counsel letter.

Alcohol and Controlled Substances Survey Population

AAUDE Members

University of Arizona
University of California-Berkeley
University of California-Los Angeles
University of Colorado
University of Florida
University of Illinois
Indiana University
University of Iowa
Iowa State University
University of Kansas
University of Michigan
Michigan State University
University of Minnesota
University of Missouri
University of Nebraska
University of North Carolina
Ohio State University
University of Oregon
Pennsylvania State University
University of Pittsburgh
Purdue University
University of Texas
University of Virginia
University of Washington
University of Wisconsin

Maryland State Colleges and Universities

Bowie State College
Coppin State College
Frostburg State University
Morgan State University
Salisbury State College
Towson State University
University of Baltimore
University of Maryland Baltimore County
University of Maryland Eastern Shore

District of Columbia and Northern Virginia

American University
Catholic University
George Mason University
George Washington University
Georgetown University
Howard University
University of the District of Columbia

Others

Boston University
Rutgers University
University of Massachusetts-Amherst
University of Tennessee

Accreditation

The University of Maryland is accredited by the Middle States Association of Colleges and Secondary Schools and is a member of the Association of American Universities. In addition, individual schools and departments are accredited by such groups as the American Association of Collegiate Schools of Business, the American Chemical Society, the National Association of Schools of Music, the Section of Legal Education and Admissions to the Bar of the American Bar Association, the Accrediting Council on Education in Journalism and Mass Communications, the American Council on Pharmaceutical Education, the Council on Dental Education of the American Dental Association, the Committee on Accreditation of the American Library Association, the American Psychological Association, the Commission on Accreditation of the Council on Social Work Education, the Council on Medical Education of the American Medical Association, the Engineers Council for Professional Development, the National Council for Accreditation of Teacher Education, the National League for Nursing, the National Architectural Accrediting Board, the American Association for Accreditation of Laboratory Animal Care, and the American Dietetic Association.

Code of Student Conduct and Annotations

Approved by the Board of Regents January 25, 1980

Note: Students subject to disciplinary charges should request a copy of the document *Preparing for a Hearing*, available in the Judicial Programs Office.

(Footnotes which appear throughout the *Code of Student Conduct* refer to the Annotations beginning on page 12.)

Rationale

1. The primary purpose for the imposition of discipline in the University setting is to protect the campus community. Consistent with that purpose, reasonable efforts will also be made to foster the personal and social development of those students who are held accountable for violations of University regulations.[1]

Definitions

2. When used in this code:[2]
   (a) the term "aggravated violation" means a violation which resulted or foreseeably could have resulted in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of normal University or University sponsored activities.
   (b) the term "cheating" means intentionally using or attempting to use unauthorized materials, information or study aids in any academic exercise.
   (c) the term "distribution" means sale or exchange for personal profit.
   (d) the term "fabrication" means intentional and unauthorized falsification or invention of any information or citation in an academic exercise.
   (e) the term "group" means a number of persons who are associated with each other and who have not complied with University requirements for registration as an organization.
   (f) the terms "institution" and "university" mean The University of Maryland, College Park.
   (g) the term "organization" means a number of persons who have complied with University requirements for registration.
   (h) the term "plagiarism" means intentionally or knowingly representing the words or ideas of another as one's own in any academic exercise.
   (i) the term "reckless" means conduct which one should reasonably be expected to know would create a substantial risk of harm to persons or property or which would otherwise be likely to result in interference with normal University or University sponsored activities.[3]
   (j) the term "student" means a person taking or auditing courses at the institution either on a full or part-time basis.[4]
   (k) the term "University premises" means buildings or grounds owned, leased, operated, controlled or supervised by the University.
   (l) the term "weapon" means any object or substance designed to inflict a wound, cause injury, or incapacitate, including, but not limited to, all firearms, pellet guns, switchblade knives, knives with blades five or more inches in length, and chemicals such as "Mace" or tear-gas.
   (m) the term "University sponsored activity" means any activity on or off campus which is initiated, aided, authorized or supervised by the University.
   (n) the terms "will" or "shall" are used in the imperative sense.

Interpretation of Regulations

3. Disciplinary regulations at the University are set forth in writing in order to give students general notice of prohibited conduct. The regulations should be read broadly and are not designed to define misconduct in exhaustive terms.

Inherent Authority

4. The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community.[5]

Student Participation

5. Students are asked to assume positions of responsibility in the University judicial system in order that they might contribute their skills and insights to the resolution of disciplinary cases. Final authority in disciplinary matters, however, is vested in the University administration and in the Board of Regents.

Standards of Due Process

6. Students subject to expulsion, suspension[6] or disciplinary removal from University housing[7] will be accorded a judicial board hearing as specified in part 28 of this code. Students subject to less severe sanctions will be entitled to an informal disciplinary conference[8], as set forth in parts 30 and 31.
7. The focus of inquiry in disciplinary proceedings shall be the guilt or innocence of those accused of violating disciplinary regulations. Formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding, unless significant prejudice to a student respondent or the University may result.[9]

Violations of Law and Disciplinary Regulations

8. Students may be accountable to both civil authorities and to the University for acts which constitute violations of law and of this code.[10] Disciplinary action at the University will normally proceed during the pendency of criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

Prohibited Conduct

9. The following misconduct is subject to disciplinary action:
   (a) intentionally or recklessly causing physical harm to any person on University premises or at University sponsored activities, or intentionally or recklessly causing reasonable apprehension of such harm.
   (b) unauthorized use, possession or storage of any weapon on University premises or at University sponsored activities.
   (c) intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency on University premises or at University sponsored activities.
   (d) intentionally or recklessly interfering with normal University or University sponsored activities, including, but not limited to, studying, teaching, research, University administration, or fire, police or emergency services.
   (e) knowingly violating the terms of any disciplinary sanction imposed in accordance with this code.
   (f) intentionally or recklessly misusing or damaging fire safety equipment.
   (g) unauthorized distribution or possession for purposes of distribution of any controlled substance or illegal drug[11] on University premises or at University sponsored activities.
   (h) intentionally furnishing false information to the University.
   (i) forgery, unauthorized alteration, or unauthorized use of any University document or instrument of identification.
   (j) all forms of academic dishonesty, including cheating, fabrication, facilitating academic dishonesty and plagiarism.*
   (k) intentionally and substantially interfering with the freedom of expression of others on University premises or at University sponsored activities.[12]
   (l) theft of property or of services on University premises or at University sponsored activities, knowing possession of stolen property on University premises or at University sponsored activities.
   (m) intentionally or recklessly destroying or damaging the property of others on University premises or at University sponsored activities.
   (n) failure to comply with the directions of University officials, including campus police officers, acting in performance of their duties.
   (o) violation of published University regulations or policies, as approved and compiled by the Vice Chancellor for Student Affairs.[13] Such regulations or policies may include the residence hall contract, as well as those regulations relating to entry and use of University facilities, sale or consumption of alcoholic beverages, use of vehicles** and amplifying equipment, campus demonstrations, and misuse of identification cards.

(p) use or possession of any controlled substance or illegal drug on University premises or at University sponsored activities.[14]
(q) unauthorized use or possession of fireworks on University premises.

* *Allegations of academic dishonesty are processed in accordance with the procedures set forth in graduate and undergraduate catalogs.*

** *Parking and Traffic Violations may be processed in accordance with procedures established by the Vice Chancellor for Student Affairs.*

Sanctions

10. Sanctions for violations of disciplinary regulations consist of:
(a) EXPULSION: permanent separation of the student from the University. Notification will appear on the student's transcript. The student will also be barred from University premises. (Expulsion requires administrative review and approval by the Chancellor and may be altered, deferred or withheld.)
(b) SUSPENSION: separation of the student from the University for a specified period of time. Permanent notification will appear on the student's transcript. The student shall not participate in any University sponsored activity and may be barred from University premises. Suspended time will not count against any time limits of the Graduate School for completion of a degree. (Suspension requires administrative review and approval by the Vice Chancellor for Student Affairs and may be altered, deferred or withheld.)
(c) DISCIPLINARY PROBATION: the student shall not represent the University in any extracurricular activity or run for or hold office in any student group or organization. Additional restrictions or conditions may also be imposed. Notification will be sent to appropriate University offices, including the Office of Campus Activities.
(d) DISCIPLINARY REPRIMAND: the student is warned that further misconduct may result in more severe disciplinary action.
(e) RESTITUTION: the student is required to make payment to the University or to other persons, groups or organizations for damages incurred as a result of a violation of this code.
(f) OTHER SANCTIONS: other sanctions may be imposed instead of or in addition to those specified in sections (a) through (e) of this part. For example, students may be subject to dismissal from University housing for disciplinary violations which occur in the residence halls. Likewise, students may be subject to restrictions upon or denial of driving privileges for disciplinary violations involving the use or registration of motor vehicles. Work or research projects may also be assigned.
11. Violations of sections (a) through (g) in part nine of this code may result in expulsion from the University,[15] unless specific and significant mitigating factors are present. Factors to be considered in mitigation shall be the present demeanor and past disciplinary record of the offender, as well as the nature of the offense and the severity of any damage, injury, or harm resulting from it.
12. Violations of sections (h) through (l) in part nine of this code may result in suspension from the University, unless specific and significant mitigating factors as specified in part eleven are present.
13. Repeated or aggravated violations of any section of this code may also result in expulsion or suspension or in the imposition of such lesser penalties as may be appropriate.
14. Attempts to commit acts prohibited by this code shall be punished to the same extent as completed violations.[16]

Interim Suspension [17]

15. The Vice Chancellor for Student Affairs or a designee may suspend a student for an interim period pending disciplinary proceedings or medical evaluation, such interim suspension to become immediately effective without prior notice, whenever there is evidence that the continued presence of the student on the University campus poses a substantial threat to himself or to others or to the stability and continuance of normal University functions.
16. A student suspended on an interim basis shall be given an opportunity to appear personally before the Vice Chancellor for Student Affairs or a designee within five business days from the effective date of the interim suspension in order to discuss the following issues only:
(a) the reliability of the information concerning the student's conduct, including the matter of his identity.
(b) whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the University campus poses a substantial threat to himself or to others or the stability and continuance of normal University functions.

The Judicial Programs Office

17. The Judicial Programs Office directs the efforts of students and staff members in matters involving student discipline. The responsibilities of the office include:
(a) determination of the disciplinary charges to be filed pursuant to this code.
(b) interviewing and advising parties[18] involved in disciplinary proceedings.
(c) supervising, training, and advising all judicial boards.
(d) reviewing the decisions of all judicial boards.[19]
(e) maintenance of all student disciplinary records.
(f) development of procedures for conflict resolution.
(g) resolution of cases of student misconduct, as specified in parts 30 and 31 of this code.
(h) collection and dissemination of research and analysis concerning student conduct.
(i) submission of a statistical report each semester to the campus community, reporting the number of cases referred to the office, the number of cases resulting in disciplinary action, and the range of sanctions imposed.[20]

Judicial Panels

18. Hearings or other proceedings as provided in this code may be held before the following boards or committees:
(a) CONFERENCE BOARDS, as appointed in accordance with part 31 of this code.
(b) RESIDENCE BOARDS, as established and approved by the Vice Chancellor for Student Affairs.[21] Students residing in group living units owned, leased, operated or supervised by the University may petition the Vice Chancellor for authority to establish judicial boards. Such boards may be empowered to hear cases involving violations of this code, as prescribed by the Vice Chancellor for Student Affairs.
(c) THE CENTRAL BOARD hears cases involving disciplinary violations which are not referred to Residence Boards or resolved in accordance with parts 30 and 31 of this code. The Central Board is composed of five full-time students, including at least two graduate students.
(d) THE APPELLATE BOARD hears appeals from Residence boards, the Central Board, and ad hoc boards, in accordance with part 39 of this code. The Appellate Board is composed of five full-time students, including at least two graduate students.
(e) AD HOC BOARDS may be appointed by the Director of Judicial Programs when a Conference Board, a Residence Board, the Central Board, the Appellate Board or the Senate Adjunct Committee are unable to obtain a quorum or are otherwise unable to hear a case.[22] Each ad hoc board shall be composed of three members, including at least one student.
(f) THE SENATE COMMITTEE ON STUDENT CONDUCT hears appeals as specified in part 38 of this code. The committee also approves the initial selection of all judicial board members, except members of conference and ad hoc boards.[23]
19. The presiding officer of each judicial board and of the Senate Adjunct Committee on Student Conduct may develop bylaws which are not inconsistent with any provision in this code. Bylaws must be approved by the Director of Judicial Programs.[24]

Selection and Removal of Board Members

20. Members of the various judicial boards are selected in accordance with procedures developed by the Director of Judicial Programs.
21. Members of conference and ad hoc boards are selected in accordance with parts 31 and 18 (e), respectively.
22. Prospective members of the Central Board and the Appellate Board are subject to confirmation by the Senate Committee on Student Conduct.
23. Members of the Senate Committee on Student Conduct are selected in accordance with the bylaws of the University Senate.
24. Prior to participating in board or committee deliberations, new members of the Senate Adjunct Committee on Student Conduct and of all judicial boards, except conference and ad hoc boards, will participate in one orientation session offered at least once each academic year by the Judicial Programs Office.
25. Student members of any judicial board or committee who are charged with any violation of this code or with a criminal offense[25] may be suspended from their judicial positions by the Director of Judicial Programs during the pendency of the charges against them. Students convicted for any such violation or offense may be disqualified from any further participation in the University judicial system by the Director of Judicial Programs. Additional grounds and procedures for removal may also be set forth in the bylaws of the various judicial panels.

Case Referrals

26. Any person[26] may refer a student or a student group or organization suspected of violating this code to the Judicial Programs Office. Persons making such referrals are required to provide information pertinent to the case and will normally be expected to appear before a judicial board as the complainant.[27]

Deferral of Proceedings

27. The Director of Judicial Programs may defer disciplinary proceedings for alleged violations of this code for a period not to exceed ninety days. Pending charges may be withdrawn thereafter, dependent upon the good behavior of the respondent.

Hearing Referrals

28. Staff members in the Judicial Programs Office will review case referrals to determine whether the alleged misconduct might result in expulsion, suspension, or disciplinary removal from University housing.[28] Students subject to those sanctions shall be accorded a hearing before the appropriate judicial board. All other cases shall be resolved in the Judicial Programs Office after an informal disciplinary conference, as set forth in parts 30 and 31 of this code.
29. Students referred to a judicial board hearing may elect instead to have their case resolved in accordance with parts 30 and 31. The full range of sanctions authorized by this code may be imposed, although the right of appeal shall not be applicable.

Disciplinary Conferences [29]

30. Students subject to or electing to participate in a disciplinary conference in the Judicial Programs Office are accorded the following procedural protections:
    (a) written notice of charges at least three days prior to the scheduled conference.
    (b) reasonable access to the case file[30] prior to and during the conference.
    (c) an opportunity to respond to the evidence against them and to call appropriate witnesses in their behalf.
    (d) the right to be accompanied and assisted by a representative, in accordance with Part 33 of this code.
31. Disciplinary conferences shall be conducted by the Director of Judicial Programs or a designee.[31] Complex or contested cases may be referred by the Director to a conference board, consisting of one member of the Central Board, one member of the Appellate Board, and a staff member in the Division of Student Affairs. Conference Board members shall be selected on a rotating basis by the Director of Judicial Programs.

Hearing Procedures

32. The following procedural guidelines shall be applicable in disciplinary hearings:
    (a) respondents shall be given notice of the hearing date and the specific charges against them at least five days in advance and shall be accorded reasonable access to the case file, which will be retained in the Judicial Programs Office.
    (b) the presiding officer of any board may subpoena witnesses upon the motion of any board member or of either party and shall subpoena witnesses upon request of the board advisor. Subpoenas must be approved by the Director of Judicial Programs and shall be personally delivered or sent by certified mail, return receipt requested. University students and employees are expected to comply with subpoenas issued pursuant to this procedure, unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities.[32]
    (c) respondents who fail to appear after proper notice will be deemed to have pleaded guilty to the charges pending against them.
    (d) hearings will be closed to the public, except for the immediate members of the respondent's family and for the respondent's representative. An open hearing may be held, in the discretion of the presiding officer, if requested by the respondent.
    (e) the presiding officer of each board shall exercise control over the proceedings to avoid needless consumption of time and to achieve the orderly completion of the hearing. Except as provided in section (o) of this part, any person, including the respondent, who disrupts a hearing may be excluded by the presiding officer or by the board advisor.
    (f) hearings may be tape recorded or transcribed. If a recording or transcription is not made, the decision of the board must include a summary of the testimony and shall be sufficiently detailed to permit review by appellate bodies and by staff members in the Judicial Programs Office.
    (g) any party or the board advisor may challenge a board member on the grounds of personal bias. Board members may be disqualified upon majority vote of the remaining members of the board, conducted by secret ballot,[33] or by the Director of Judicial Programs.
    (h) witnesses shall be asked to affirm that their testimony is truthful and may be subject to charges of perjury, pursuant to part 9 (h) of this code.
    (i) prospective witnesses, other than the complainant and the respondent, may be excluded from the hearing during the testimony of other witnesses. All parties, the witnesses, and the public shall be excluded during board deliberations.
    (j) the burden of proof shall be upon the complainant, who must establish the guilt of the respondent by a preponderance of the evidence.[34]
    (k) formal rules of evidence shall not be applicable in disciplinary proceedings conducted pursuant to this code. The presiding officer of each board shall give effect to the rules of confidentiality and privilege, but shall otherwise admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.[35]
    (l) respondents shall be accorded an opportunity to question those witnesses who testify for the complainant at the hearing.
    (m) affidavits shall not be admitted into evidence unless signed by the affiant and witnessed by a University employee, or by a person designated by the Director of Judicial Programs.
    (n) board members may take judicial notice of matters which would be within the general experience of University students.[36]
    (o) board advisors may comment on questions of procedure and admissibility of evidence and will otherwise assist in the conduct of the hearing. Advisors will be accorded all the privileges of board members, and the additional responsibilities set forth in this code, but shall not vote. All advisors are responsible to the Director of Judicial Programs and shall not be excluded from hearings or board deliberations by any board or by the presiding officer of any board.
    (p) the Director of Judicial Programs may appoint a special presiding officer to any board in complex cases or in any case in which the respondent is represented by an attorney. Special presiding officers may participate in board deliberations, but shall not vote.[37]
    (q) a determination of guilt shall be followed by a supplemental proceeding in which either party and the board advisor may submit evidence or make statements concerning the appropriate sanction to be imposed. The past disciplinary record[38] of the respondent shall not be supplied to the board by the advisor prior to the supplementary proceeding.
    (r) final decisions of all judicial panels shall be by majority vote of the members present and voting. A tie vote will result in a recommended acquittal in an original proceeding. A tie vote in an appellate proceeding will result in an affirmation of the original decision.
    (s) final decisions of all boards, except conference boards, shall be accompanied by a brief written opinion.

Attorneys and Representatives

33. Respondents or complainants participating in any disciplinary proceeding may be accompanied by a representative, who may be an attorney.[39] Parties who wish to be represented by an attorney in a disciplinary proceeding must so inform the Judicial Programs Office in writing at least two business days prior to the scheduled date of the proceeding. Representatives may not appear in lieu of respondents.

Student Groups and Organizations

34. Student groups and organizations may be charged with violations of this code.
35. A student group or organization and its officers may be held collectively[40] or individually responsible when violations of this code by those associated with[41] the group or organization have received the tacit or overt consent or encouragement of the group or organization or of the group's or organization's leaders, officers, or spokesmen.
36. The officers or leaders or any identifiable spokesmen[42] for a student group or organization may be directed by the Vice Chancellor for Student Affairs or a designee to take appropriate action designed to prevent or end violations of this code by the group or organization or by any persons associated with the group or organization who can reasonably be said to be acting in the group's or organization's behalf. Failure to make reasonable efforts to comply with the Vice Chancellor's directive shall be considered a violation of part 9 (n) of this code, both by the officers, leaders or spokesmen for the group or organization and by the group or organization itself.
37. Sanctions for group or organization misconduct may include revocation or denial of recognition or registration, as well as other appropriate sanctions, pursuant to part 10 (f) of this code.

Appeals

38. Any disciplinary determination resulting in expulsion or suspension[43] may be appealed by the respondent to the Senate Committee on Student Conduct. The Senate Committee shall also hear appeals from denials of petitions to void disciplinary records, pursuant to part 48 of this code.
39. Final decisions of residence boards, the Central Board and ad hoc boards, not involving the sanctions specified in part 38, may be appealed by the respondent to the Appellate Board.[44]
40. Requests for appeals must be submitted in writing to the Judicial Programs Office within seven business days from the date of the letter notifying the respondent of the original decision. Failure to appeal within the allotted time will render the original decision final and conclusive.[45]
41. A written brief in support of the appeal must be submitted to the Judicial Programs Office within ten business days from the date of the letter notifying the respondent of the original decision. Failure to submit a written brief within the allotted time will render the decision of the lower board final

and conclusive.[46]

42. Appeals shall be decided upon the record of the original proceeding and upon written briefs submitted by the parties. De novo hearings shall not be conducted.
43. Appellate bodies may:
    (a) affirm the finding and the sanction imposed by the original board.
    (b) affirm the finding and reduce, but not eliminate, the sanction, in accordance with parts 44 and 44 (a) of this code.
    (c) remand the case to the original board, in accordance with parts 44 and 44 (b).
    (d) dismiss the case, in accordance with parts 44 and 44 (c).
44. Deference shall be given to the determinations of lower boards:[47]
    (a) sanctions may only be reduced if found to be grossly disproportionate to the offense.
    (b) cases may be remanded to the original board if specified procedural errors or errors in interpretation of University regulations were so substantial as to effectively deny the respondent a fair hearing, or if new and significant evidence became available which could not have been discovered by a properly diligent respondent before or during the original hearing.[48] The decision of the lower board on remand shall be final and conclusive.
    (c) cases may be dismissed only if the finding is held to be arbitrary and capricious.[49]
    (d) decisions of the Appellate Board shall be recommendations to the Director of Judicial Programs.[50] Decisions of the Senate Committee on Student Conduct shall be recommendations to the Vice Chancellor for Student Affairs.
45. The imposition of sanctions will normally be deferred during the pendency of appellate proceedings, in the discretion of the Director of Judicial Programs.

Disciplinary Files and Records

46. Case referrals may result in the development of a disciplinary file in the name of the respondent, which shall be voided if the respondent is found innocent of the charges.[51] The files of respondents found guilty of any of the charges against them will be retained as a disciplinary record for three years from the date of the letter providing notice of final disciplinary action.[52] Disciplinary records may be retained for longer periods of time or permanently, if so specified in the sanction.
47. Disciplinary records may be voided[53] by the Director of Judicial Programs for good cause, upon written petition of respondents. Factors to be considered in review of such petitions shall include:
    (a) the present demeanor of the respondent.
    (b) the conduct of the respondent subsequent to the violation.
    (c) the nature of the violation and the severity of any damage, injury, or harm resulting from it.
48. Denials of petitions to void disciplinary records shall be appealable to the Senate Committee on Student Conduct, which will apply the standard of review specified in parts 44 and 44 (c). The requirements for appeals as set forth in parts 40 and 41 shall be applicable.[54]
49. Disciplinary records retained for less than ninety days or designated as "permanent" shall not be voided without unusual and compelling justification.[55]

Annotations:

1. The University is not designed or equipped to rehabilitate or incapacitate persons who pose a substantial threat to themselves or to others. It may be necessary, therefore, to remove those individuals from the campus and to sever the institutional relationship with them, as provided in this code of conduct and by other University regulations."

   Any punishment imposed in accordance with the code may have the value of discouraging the offender and others from engaging in future misbehavior. In cases of minor disciplinary violations, the particular form of punishment may also be designed to draw upon the educational resources of the University in order to bring about a lasting and reasoned change in behavior. The underlying rationale for punishment need not rest on deterrence or "reform" alone, however. A just punishment may also be imposed because it is "deserved" and because punishment for willful offenses affirms the autonomy and integrity of the offender. The latter concept was well expressed by D.J.B. Hawkins in his essay "Punishment and Moral Responsibility" in 7 Modern Law Review 205:

   > The vice of regarding punishment entirely from the points of view of reformation and deterrence lies precisely in forgetting that a just punishment is deserved. The punishment of men then ceases to be essentially different from the training of animals, and the way is open for the totalitarian state to undertake the forcible improvement of its citizens without regard to whether their conduct has made them morally liable to social coercion or not. But merit and demerit, reward and punishment, have a different significance as applied to men and as applied to animals. A dog may be called a good dog or a bad dog, but his goodness or badness can be finally explained in terms of heredity and environment. A man, however, is a person, and we instinctively recognise that he has a certain ultimate personal responsibility for at least some of his actions. Hence merit and demerit, reward and punishment, have an irreducible individual significance as applied to men. This is the dignity and the tragedy of the human person.

   A similar view was expressed by Justice Powell, dissenting in *Goss v. Lopez* (42 L. Ed. 2d 725, 745):

   > Education in any meaningful sense includes the inculcation of an understanding in each pupil of the necessity of rules and obedience thereto. This understanding is no less important than learning to read and write. One who does not comprehend the meaning and necessity of discipline is handicapped not merely in his education but throughout his subsequent life. In an age when the home and church play a diminishing role in shaping the character and value judgments of the young, a heavier responsibility falls upon the schools. When an immature student merits censure for his conduct, he is rendered a disservice if appropriate sanctions are not applied . . . . .

2. An effort is made in the code to use a simplified numbering and lettering system, without use of Roman numerals or subsets of letters and numbers. Any part of the code can be found by reference to one number and one letter (e.g., part 10 (a) explains the meaning of expulsion).

3. Culpable conduct should include conscious acts posing a substantial risk of harm to others (e.g. throwing a heavy object out a tenth floor window above a sidewalk). If the act itself, however, is unintended (e.g. one is distracted by a noise while climbing a flight of stairs and drops a heavy object) the individual may have failed to use reasonable care, but is not normally deserving of the moral stigma associated with a "conviction" for a disciplinary offense.

4. Former students may be charged for violations which allegedly occurred during their enrollment at the University.

5. Colleges and Universities are not expected to develop disciplinary regulations which are written with the scope or precision of a criminal code. Rare occasions may arise when conduct is so inherently and patently dangerous to the individual or to others that extraordinary action not specifically authorized in the rules must be taken.

6. The terms "suspension" and "interim suspension" are to be distinguished throughout the code and are not interchangeable.

7. Disciplinary removal from University housing should be distinguished from administrative removal for violations of the residence contract. The latter does not leave students with a disciplinary record and does not come under the purview of this code.

8. The standard set forth here represents the minimal procedural protection to be accorded to students charged with most disciplinary violations. Students who are subject to lengthy suspensions or to expulsion may be entitled to more formal procedures, including a hearing with a right to cross-examine the witnesses against them. *Goss v. Lopez* 419 U.S. 565 (1975).

9. The Supreme Court has recently rejected the theory that state schools are bound by principles of federal administrative law requiring agencies to follow their own regulations. *Board of Curators, University of Missouri v. Horowitz* 55 L. Ed 2d 124, 136. See, generally, "Violations by Agencies of Their Own Regulations" 87 Harvard Law Review 629 (1974).

10. Respondents in disciplinary proceedings may be directed to answer questions concerning their conduct. Students who refuse to answer on grounds of the Fifth Amendment privilege may be informed that the hearing panel could draw negative inferences from their refusal which might result in their suspension or dismissal. If the student then elects to answer, his statements could not be used against him in either state or federal court. *Garrity v. New Jersey* 385 U.S. 493 (1967). See also *Furutani v. Ewigleben* 297 F. Supp. 1163 (N.D. cal. 1969)

11. The "controlled substances" or "illegal drugs" prohibited in this section are set forth in Schedules I through V in Article 27, part 279 of the *Annotated Code of Maryland.*

12. Colleges and Universities should be a forum for the free expression of ideas. In the recent past, however, unpopular speakers have been prevented from addressing campus audiences by students who effectively "shouted them down." Both Yale and Stanford Universities have treated such actions (which are to be distinguished from minor and occasional heckling) as serious disciplinary violations. See the "Report from the Committee on Freedom of Expression at Yale University" which is available in the Judicial Programs Office.

    The following language from the Yale report may be used to elaborate upon the intent and scope of part 9 (k) of this code.

    1. "There is no right to protest within a University building in such a way that any University activity is disrupted. The administration, however,

may wish to permit some symbolic dissent within a building but outside the meeting room, for example, a single picket or a distributor of handbills".

2. "[A] member of the audience may protest in a silent, symbolic fashion, for example, by wearing a black arm band. More active forms of protest may be tolerated such as briefly booing, clapping hands or heckling. But any disruptive activity must stop [and not be repeated] when the chair or an appropriate University official requests silence.

3. "Nor are racial insults or any other 'fighting words' a valid ground for disruption or physical attack . . . . . The banning or obstruction of lawful speech can never be justified on such grounds as that the speech or the speaker is deemed irresponsible, offensive, unscholarly, or untrue."

13. A compilation of published regulations which have been reviewed and approved by the Vice Chancellor shall be available for public inspection during normal business hours in the Judicial Programs Office.

14. The "controlled substances" or "illegal drugs" prohibited in this section are set forth in Schedules I through V in Article 27, part 279 of the *Annotated Code of Maryland*.

15. This part and parts twelve and thirteen represent an attempt to give needed guidance to those who are assessing penalties. Moreover, the direction of the guidance is toward imposition of more severe disciplinary sanctions in serious cases. Nonetheless, the language concerning "mitigating factors" is broad enough to give decisionmakers considerable leeway to "do justice", depending upon the facts in each case. The burden of establishing facts in mitigation should, of course, be upon the respondent.

16. There does not seem to be any rational basis for imposing less severe penalties for attempts than for completed violations. The authors of the *Model Penal Code*, for example, have written that:

> To the extent that sentencing depends upon the antisocial disposition of the actor and the demonstrated need for a corrective action, there is likely to be little difference in the gravity of the required measures depending on the consummation or the failure of the plan.

See LaFave, *Criminal Law Treatise* p. 453.

17. These procedures are analogous to those found in the "emergency" disciplinary rules adopted by the Board of Regents in 1971 and are consistent with the formal opinion of the Maryland Attorney General on this subject, dated January 23, 1969. See also *Goss v. Lopez*, 419 U.S. 565 (1975).

Nothing in this provision would prohibit the Vice Chancellor from modifying the terms of an interim suspension, so long as the hearing requirement specified in part 16 was met. For example, a suspended student might be allowed to enter University premises solely for the purpose of attending classes.

18. Staff members in the Judicial Programs Office should endeavor to arrange a balanced presentation before the various judicial boards and may assist both complainants and respondents.

19. This language does not effect any change in previous policy concerning the powers of judicial boards. All board decisions, including those rendered by Conference Boards, shall be treated as recommendations.

20. See annotation one, supra. The deterrent effect of punishment is diminished if the community is unaware of the number and general nature of sanctions imposed. The Director of Judicial Programs may, for example, arrange for publication of the statistical report in the campus press each semester.

21. Boards established pursuant to this section might include modified versions of the present "Greek" or residence hall boards.

22. It is intended that a quorum will consist of three members (out of five). The authority to appoint ad hoc boards should be broadly construed and might be especially useful, for example, when a judicial board or the Senate Committee is charged with hearing a case involving one of its own members. The final determination as to whether a panel is "unable to hear a case" should be within the discretion of the Director of Judicial Programs.

23. The power of confirmation represents a significant grant of authority to the Senate Committee. The committee is presently underutilized and might best contribute to the judicial system by becoming more intimately involved with it. Moreover, confirmation procedures will give committee members direct contact with board members and will also allow the committee to exercise more control over the quality of Judicial Board decisions.

24. Proposed bylaws must be submitted to the Attorney General for review.

25. It could be a public embarrassment for the University to have a student charged with or convicted of a serious crime sit in judgment over other students in disciplinary proceedings. The various state criminal codes are usually so broad and archaic, however, that automatic suspension or removal should not result from any violation of any law (e.g., New York makes it a criminal misdemeanor for anyone "to dance continuously in a dance contest for twelve or more hours without respite").

26. Case referrals should not be limited to members of the "campus community." A student who assaults another person on campus should not escape University judicial action merely because the person assaulted was a visitor (or, as in a recent case, a former student who had just withdrawn from the University.)

27. The Director of Judicial Programs may appoint a trained volunteer from the campus community to serve as the complainant. It would be preferable, however, to employ a "community advocate" to present all disciplinary cases.

Several measures in the code are designed to restore balance in disciplinary proceedings, even in those cases in which the complainant is inexperienced with administrative adjudication:

(a) a hearing officer may be appointed in complex or serious cases. See part 32 (p).

(b) the role of attorneys or advisors may be restricted. See part 33 and annotation 39.

(c) the "disciplinary conference" procedure is designed to eliminate adversary proceedings in minor cases. See parts 30–31 and annotation 29.

28. Staff members may consider the mitigating factors specified in part 11 to determine the permissible sanction to be imposed if the respondent is found guilty of charges. For example, a student involved in a minor altercation might be charged pursuant to part 9 (a), but referred to a disciplinary conference, thereby precluding the possibility of expulsion or suspension for the alleged misconduct.

29. The hearing procedures specified at part 32 need not be followed in disciplinary conferences. Instead a disciplinary conference would normally consist of an informal non-adversarial meeting between the respondent and a staff member in the Judicial Programs Office. Complainants would not be required to participate, unless their personal testimony was essential to the resolution of a dispositive factual issue in the case. Documentary evidence and written statements could be relied upon, so long as the respondent was given access to them in advance and allowed to respond to them at the conference. Respondents would also be allowed to bring appropriate witnesses with them and might be accompanied by a representative, who may participate in discussions, although not in lieu of participation by the respondent.

The conference procedure is designed to reduce the steady growth of unnecessary legalism in disciplinary proceedings. The worst features of the adversary system (including the concept that judicial proceedings are a "contest" to be "won" by clever manipulation of procedural rules) undermine respect for the rule of law. Colleges and universities can and should be a testing ground for development of carefully reasoned alternatives to current procedural excesses in the larger society."

Procedures comparable to the disciplinary conference (referred to as "structured conversations") are suggested by David L. Kirp in his 1976 Stanford Law Review article "Proceduralism and Bureaucracy: Due Process in the School Setting" 38 Stanford Law Review 841:

> The benefits of such conversations in the school setting may better be appreciated by contrasting them with the typical due process hearing. Hearings are designed to determine the facts of a particular controversy, and apply predetermined rules to the facts thus found. At that point, the function of the hearing is at an end. The wisdom of the underlying substantive rules has no relevance, nor is broader discussion of grievances generally encouraged, unless it is somehow pertinent to the dispute at hand.
>
> Conversation knows no such limits. It too serves as a vehicle for resolving what are likely to be factually uncomplicated disputes, but it does more than that. It enables students to feel that they are being listened to and may encourage them to raise underlying grievances. It provides administrators with a relatively inexpensive vehicle for monitoring, and hence a basis for reshaping institutional relationships. The outcome of these 'orderly thoughtful conversations' may well be decisions different in their particulars from what might otherwise have been anticipated; repeated conversations which touch upon similar student grievances may ultimately lead disciplinarians to reassess whether control is so vital, and collaboration so improbable, as a means of assuring institutional order.

The Conference procedure would not be used in any case which might result in any form of separation from the University. Accordingly, the

procedure appears to meet or exceed the due process requirements set forth by the United States Supreme Court for cases involving suspensions of ten days or less. In *Goss v. Lopez* the Court held:

> we stop short of construing the Due Process Clause to require, countrywide, that hearings in connection with short suspensions must afford the student the opportunity to secure counsel, to confront and cross-examine witnesses supporting the charge, or to call his own witnesses to verify his version of the incident. Brief disciplinary suspensions are almost countless. To impose in each such case even truncated trial-type procedures might well overwhelm administrative facilities in many places and, by diverting resources, cost more than it would save in educational effectiveness. Moreover, further formalizing the suspension process and escalating its formality and adversary nature may not only make it too costly as a regular disciplinary tool but also destroy its effectiveness as part of the teaching process.
>
> On the other hand, requiring effective notice and an informal hearing permitting the student to give his version of the events will provide a meaningful hedge against erroneous action. At least the disciplinarian will be alerted to the existence of disputes about facts and arguments about cause and effect. He may then determine himself to summon the accuser, permit cross-examination, and allow the student to present his own witnesses. In more difficult cases, he may permit counsel. In any event, his discretion will be more informed and we think the risk of error substantially reduced (42 L. Ed. 2d 725, 740).

30. The case file consists of materials which would be considered "education records", pursuant to the Family Educational Rights and Privacy Act. Personal notes of University staff members or complainants are not included.

31. Determinations made in accordance with parts 30 and 31 are not appealable.

32. Internal subpoenas may be desirable, since cases have arisen in which complainants or respondents were unable to present an effective case due to the indifference and lethargy of potential witnesses. A student who refuses to respond to a subpoena may be charged with a violation of part 9(n) of the code.

    The Director of Judicial Programs should not approve a subpoena unless the expected testimony would be clearly relevant. Likewise, a subpoena designed to embarrass or harass a potential witness should not be authorized.

    The subpoena power specified here is not designed to reach documents or other materials.

33. Board members should be disqualified on a case by case basis only; permanent removal should be accomplished in accordance with Part 25. Board members should not be readily disqualified. The term "personal bias" involves animosity toward a party or favoritism toward the opposite party. See, generally, Davis, *Administrative Law Treatise* "Bias" Section 12.03.

34. See *Bernstein v. Real Estate Commission* 221 Md. 221 (1959), which established the "preponderance" standard for state administrative proceedings.

35. Testimony containing hearsay may be heard, if relevant. A final determination should not be based on hearsay alone.

36. Every statement or assertion need not be proven. For example, board members may take notice that many students commute to the University.

37. Student presiding officers are often at a disadvantage when the respondent is represented by an attorney. The proceedings might progress more rapidly and efficiently if a special presiding officer were appointed. Generally, a staff member in the Judicial Programs Office would be selected for such a responsibility, although other University employees with legal training might also be called upon.

38. Information pertaining to prior findings of disciplinary and residence hall violations might be reported, as well as relevant criminal convictions. Prior allegations of misconduct should not be disclosed.

39. A disciplinary hearing at the University is not analogous to a criminal trial. The presiding officer and the board advisor are authorized to exercise active control over the proceedings in order to elicit relevant facts and to prevent the harassment or intimidation of witnesses. No party or representative may use threatening or abusive language, engage in excessive argumentation, interrupt the proceedings with redundant or frivolous objections, or otherwise disrupt the hearing.

    Students have not been determined to have a constitutional right to full legal representation in University disciplinary hearings. The privilege of legal representation, granted in this part, should be carefully reviewed in any subsequent revision of the code.

40. Punishment of one or several individuals for the acts of others should be avoided if the identities of the specific offenders can be readily ascertained.

41. Association does not require formal membership. Individuals who might reasonably be regarded as regular participants in group or organization activities may be held to be associated with the group or organization.

42. Leaders or spokesmen need not be officially designated or elected. For example, if a group or organization accepted or acquiesced in the act or statement of an individual associated with it, that individual might reasonably be regarded as a leader or a spokesman for the group or organization.

43. "Suspension" includes deferred suspension but not interim suspension or suspension which is withheld. See annotation six.

44. Students left with a disciplinary record after a disciplinary conference may request that their record be voided, in accordance with part 47. Denials may be appealed, pursuant to part 48.

45. The decision will be "final and conclusive" on the part of the judicial board, but will remain a recommendation to the Director of Judicial Programs.

46. This part is intended to discourage frivolous appeals. Respondents who are genuinely interested in pursuing an appeal can reasonably be expected to prepare a written brief.

47. Appellate bodies which do not give deference (i.e., a presumption of validity) to lower board decisions will distort the entire disciplinary system. Respondents would be encouraged to "test their strategy" and "perfect their technique" before lower boards, since the matter would simply be heard again before a "real" board with final authority.

    Lower board members usually have the best access to the evidence, including an opportunity to observe the witnesses and to judge their demeanor. Members of appellate bodies should be especially careful not to modify a sanction or to remand or dismiss a case simply because they may personally disagree with the lower board's decision.

    The opportunity to appeal adverse decisions has not been determined to be a requirement of constitutional "due process" in student disciplinary cases.*** There is presently no legal obstacle to adopting an amendment to the code which would eliminate the appellate system altogether.

48. Respondents who obtain information at the hearing which might lead to new evidence are required to request an adjournment rather than wait to raise the matter for the first time on appeal.

49. An arbitrary and capricious decision would be a decision "unsupported by any evidence." The cited language has been adopted by the Federal Courts as the proper standard of judicial review, under the due process clause, of disciplinary determinations made by state boards or agencies. See *McDonald v. Board of Trustees of the University of Illinois* 375 F. Supp. 95, 108 (N.D. Ill., 1974).

50. See annotation 19.

51. Voided files will be so marked, shall not be kept with active disciplinary records, and shall not leave any student with a disciplinary record.

52. Disciplinary records may be reported to third parties, in accordance with University regulations and applicable state and federal law.

53. Void records shall be treated in the manner set forth in annotation 51.

54. The scope of review shall be limited to the factors specified at part 47. An inquiry into the initial determination of guilt or innocence is not permitted. For example, when considering the "nature" of the violation, pursuant to part 47 (c), it is to be assumed that the violation occurred and that the respondent was responsible for it.

55. Some discretion must be retained to void even "permanent" disciplinary records. It may be unnecessary, for example, to burden a graduating senior with a lifelong stigma for an act committed as a freshman. Social norms also change rapidly. "Unacceptable" conduct in one generation may become permissable and commonplace in the next.

* *See the procedures for mandatory medical withdrawal developed by the Vice Chancellor for Student Affairs.*

** *See Macklin Fleming, The Price of Perfect Justice: In our pursuit of . . . perfectibility, we necessarily neglect other elements of an effective procedure, notably the resolution of controversies within a reasonable time at a reasonable cost, with reasonable uniformity . . . . . we impair the capacity of the legal order to achieve the basic values for which it was created, that is, to settle disputes promptly and peaceably, to restrain the strong, to protect the weak, and to conform the conduct of all to settled rules of law.*

*** *See the due process standard set forth in Dixon v. Alabama 294 F.2d 150, 158–159 (Fifth Cir., 1961), Cert. den. 368 U.S. 930.*